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November 1, 1996

BY HAND

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, DC 20463
Attn: Jonathan Levin, Esq.

AOR 1996-46

Re: Request for Advisory Opinion - Socialist Workers Party

Dear Sir or Madam:

On behalf of our clients, the Socialist Workers Party (the "SWP"), the Socialist Workers Party National Campaign Committee and committees supporting candidates of the SWP, we hereby request an advisory opinion pursuant to 2 U.S.C. § 437(f) and 11 C.F.R. § 112.1 that the committees supporting candidates of the Socialist Workers Party continue to be exempt from certain reporting and disclosure provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("FECA" or the "Act"). In its 1990 Advisory Opinion, 1990-13, the Commission granted exemptions to the SWP's campaign committees from the FECA's provisions requiring, *inter alia*, disclosure of the names and residential addresses, occupations, and employers of contributors to the reporting committee (§ 434(b)(3)(A)); political, authorized, or affiliated committees making contributions or transfers to the reporting committee (§ 434(b)(3)(B), (C), (D)); lenders, guarantors, or endorsers of loans to the reporting committee (§ 434(b)(3)(E)); persons providing rebates, refunds, or other offsets to operating expenditures

to the reporting committee (§ 434(b)(3)(F)); persons providing any dividend, interest, or other receipt to the reporting committee (§ 434(b)(3)(G)); and persons to whom or committees to which expenditures, disbursements, or loans have been made (§ 434(b)(5), (6)). For the Commission's convenience, a copy of its 1990 Advisory Opinion (hereafter sometimes "AO") is attached as an appendix to this letter request. *

The Commission's 1990 Advisory Opinion granted exemptions to last through two presidential election cycles, until December 31, 1996. It further provided, AO at 11,636, that:

[a]t least sixty days prior to December 31, 1996, the SWP may submit a new advisory opinion request seeking a renewal of the exemption. If a request is submitted, the Commission will consider the factual information then presented as to harassment after 1989, or the lack thereof and will make a decision at that time as to the renewal.

Upon the basis of the factual information submitted here as to post-1989 harassment from both government and private sources, we request renewal of the previously granted exemptions for the next two presidential cycles, until December 31, 2004.

I

In its 1990 Advisory opinion, the Commission found that, upon the factual record presented there and replicated here, exemption from the disclosure requirements of the Act was constitutionally required under the Supreme Court's decisions in *Buckley v. Valeo*, 424 U.S. 1 (1976) and *Brown v. Socialist Workers '74 Campaign Committee (Ohio)*, 459 U.S. 87 (1982). The Commission agreed with the SWP that *Buckley* and *Brown* had established that "under certain circumstances, the Act's disclosure requirements as applied to a minor party would be unconstitutional because the threat to the exercise of First Amendment rights resulting from

* Not attached, held by OGC in its files. Copy is from CCH binder.

disclosure would outweigh the insubstantial interest in disclosure by that entity." AO at 11,633.

The Supreme Court recognized:

The Constitution protects against the compelled disclosure of political associations and beliefs. Such disclosures "can seriously infringe on privacy of association and belief guaranteed by the First Amendment."

Brown v. Socialist Workers '74 Campaign Committee (Ohio), 459 U.S. at 91 (quoting *Buckley*, 424 U.S. at 64). In *McIntyre v. Ohio Elections Comm'n*, ___ U.S. ___, 115 S. Ct. 1511 (1995), the Supreme Court recently reaffirmed the governing principles and expressly endorsed the continuing validity of *Buckley* and *Brown*.

The Commission further found that, under *Buckley* and *Brown*, the SWP:

need show only a reasonable probability that the compelled disclosure of a party's contributors [or other protected categories of persons] will subject them to threats, harassment, or reprisals from either Government officials or private parties.

AO at 11,633, quoting *Buckley*, 424 U.S. at 74. The Commission elaborated upon this standard, further quoting *Buckley*, 424 U.S. at 74:

The proof may include, for example, specific evidence of past or present harassment of members due to their associational ties, or of harassment directed against the organization itself. A pattern of threats or specific manifestations of public hostility may be sufficient.

AO at 11,633.

In 1990, the Commission held that the SWP's submission satisfied the constitutionally compelled standard. It found that "during the past five years, the SWP has continued to experience harassment from several sources." AO at 11,636. The Commission also considered

relevant "the long history of FBI and other governmental harassment of the SWP" notwithstanding discontinuance of the formal FBI investigation of the SWP. AO at 11,634. It concluded that "the recent events cited, along with the history of governmental harassment, indicate that there is a reasonable probability that compelled disclosure . . . will subject [the protected categories of persons] to threats, harassment, or reprisals from governmental or private sources." The Commission's 1990 determination was in accord with a long line of determinations by both federal and state authorities that the SWP is constitutionally entitled to exemptions from election disclosure requirements.^{1/}

The SWP continues to be a "minor political party." As the Commission found in 1990, "despite running a presidential candidate in every election since 1948 and numerous candidates for Federal, state, and local offices, no SWP candidate has ever been elected to public office in

^{1/} See *Brown v. Socialist Workers '74 Campaign Committee (Ohio)*, 459 U.S. 87 (1982) (Ohio election law); *Socialist Workers 1974 National Campaign Committee v. Federal Election Commission*, Civil Action No. 74-1338, U.S.D.C. (D.D.C.) (1985 and 1979 Consent Decrees) (federal election law); Washington Public Disclosure Commission (September 1996) (Exhibit A hereto) and PDC Nos. 1783 (1993), 1706 (1992), and 1631 (1991) (Washington election law); Iowa Campaign Finance Disclosure Commission (1992) (Exhibit B hereto); *McCarthy v. Smith*, 716 F. Supp. 592 (S.D. Fla. 1989) (Florida election law); *1980 Illinois Socialist Workers Campaign v. Illinois Bd. of Election*, 531 F. Supp. 915 (N.D. Ill. 1981) (Illinois election law); *Wisconsin Socialist Workers 1976 Campaign Committee v. McCann*, 433 F. Supp. 540 (E.D. Wisc. 1977) (Wisconsin election law); *Doe v. Martin*, 404 F. Supp. 753 (D.D.C. 1975) (District of Columbia election law); *In re Manual No. AE 77,005* (California Fair Political Practices Commission, March 1977) (California election law); *Socialist Workers 1974 Washington State Campaign v. Washington Public Disclosure Comm.*, Nos. 52,505; 54,772 (Wash. Sup. Ct. April, 1977) (transcript of oral opinion), AR at 427-59 (State of Washington election law); *In the Matter of Minnesota Socialist Workers 1974 Campaign Committee Request for Exemption*, No. H-0001 (Minn. State Ethics Comm., September, 1974), AR at 692-97 (cited in *Doe v. Martin*, 404 F. Supp. at 756, n.4.) (Minnesota election law). All exhibits referenced in this letter are bound together in a separate volume submitted herewith.

a partisan election." AO at 11,634. This remains the case today. Indeed, in the 1992 Presidential election, the SWP candidates received 23,058 votes. In recent senatorial elections, SWP candidates received 1,038 votes in 1994 for a write-in ticket in Florida; 10,056 votes in 1992 in Illinois; 1,370 votes in 1992 in Iowa; 2,428 votes in 1994 in Minnesota; 2,804 votes in 1990 and 3,606 votes in 1994 in New Jersey; 16,724 votes in 1992 and 14,892 votes in 1994 in New York; and 5,292 votes in 1992 and 1,514 votes in 1994 in Utah. See Declaration of Greg McCartan (Exhibit C).

Likewise, as demonstrated *post*, the incidents of harassment over the last six years are comparable in all respects to those which the Commission found sufficient in its 1990 Advisory Opinion. AO at 11,636. Indeed, if anything, they are greater in number and more intimidating in character than previously. Accordingly, under the Commission's 1990 Advisory Opinion, as under *Buckley* and *Brown*, the SWP remains entitled to the requested exemptions.

Only last month, in September 1996, the Washington Public Disclosure Commission found that, as we maintain here, continuing harassment of the SWP requires exemption from election disclosure requirements under *Buckley* and *Brown*. Washington Public Disclosure Commission Order No. 2055 (Exhibit A). Upon a less extensive showing of harassment than made here, the Public Disclosure Commission found, *inter alia*, that:

* * *

5. There are instances where business owners fear they will become targets of reprisals if it is known they do business with the [Socialist Workers] party or its candidates.

6. Disclosure of the names and addresses of persons who contribute could have a chilling effect on the [Socialist Workers] party's ability to solicit and collect campaign funds.

7. Disclosure of the names and addresses of vendors who supply goods and services could have a chilling effect on the [Socialist Workers] party's ability to purchase necessary campaign materials and services.

8. Disclosure of the occupation of any . . . contributors, or the employers of such contributors, could have a chilling effect on the [Socialist Workers] Party's ability to solicit and collect campaign funds.

9. Making the books and records of the [Socialist Workers] Party available for public inspection during the eight days prior to any election could have a chilling effect on the party's ability to solicit and collect campaign funds, and on the Party's ability to purchase necessary campaign materials and services.

Id. at 2.

While relying upon recent incidents, the Public Service Commission also found relevant, as did this Commission in 1990, that:

[t]here is a long history of harassment, disruptive efforts by individuals and government agencies, government surveillance, and threats against individuals identified with the Socialist Workers Party nationwide.

The Commission additionally found that:

The Socialist Workers Party is outspoken in its defense of the rights of Blacks and other minorities, desegregation, affirmative action and similar, often controversial issues. As a result, candidates and party supporters have been subject to racial threats and potential victimization.

Id. at 2.

To the same effect, the Iowa Campaign Finance Disclosure Commission acknowledged in 1992 that continuing harassment of the SWP and its associates required exemption from normal election disclosure provisions. (Exhibit B). The Iowa Commission determined that there "is a history of harassment, disruption, surveillance, violence, threats and other deleterious impacts directed at individuals identified with the SWP, both nationally and within the State of Iowa," *Id.* ¶ 6(b). The Iowa Commission also found "evidence that business owners fear they will become a target if it is known that they do business or associate with the SWP or its candidates." *Id.* ¶ 6(b). The Iowa Commission additionally found that the SWP political philosophy "engendered intolerance from the local, state and national 'mainstream.'" *Id.* ¶ 6(c). On this factual basis and in accordance with the legal requirements of *Buckley* and *Brown*, the Iowa Commission concluded that "an exemption . . . is necessary to prevent infringement of the First Amendment rights to free political speech and free association on the part of the supporters of the [Socialist Workers campaign] Committee[s] as well as to protect the rights of recipients of expenditures from the [campaign] Committee[s]." *Id.* at ¶ 6(d).

The demonstration of post-1989 harassment made here is more extensive than the SWP's submissions to the Washington and Iowa Commissions. The facts are set forth in the first of two volumes of exhibits accompanying this request for an advisory opinion.² We summarize that showing as follows:

² The supporting exhibits have been arranged in the accompanying volume to correspond to the numeration in this summary. A second volume of exhibits reproduces the submission made in support of the SWP's 1990 application for an advisory opinion.***

*** OGC retains the 1990 AOR volume in its file. It is an extensive document and duplicates the AOR file in AOR 1990-13

1. In September 1996, a SWP volunteer worker campaigning from a table on a public sidewalk in New Brunswick, New Jersey was harassed and assaulted by a Rutgers University police officer. The table displayed SWP campaign placards, featured brochures for the SWP presidential ticket, and exhibited posters expressing the political positions the campaign supports. The police officer exerted physical force on the campaign worker by twisting and bruising his arm and demanded to see his driver's license and Social Security card. A summons was given to the campaign worker for "soliciting without permit."

2. During the Summer of 1996, the police in Miami, Florida disrupted a discussion of political issues between the SWP candidate for Congressional District 17 and several interested individuals. The police questioned the legitimacy of the campaign and its right to distribute literature. The intimidating police presence dissuaded those who had been in the process of signing up for more information.

3. In August 1996, three campaign workers petitioning to put Socialist Workers Party candidates for President and Vice-President on the ballot in New York State were detained and charged with unlawful solicitation and illegal assembly, despite the fact that they were engaged in protected political activity. The petitions and political literature were confiscated by the police. The charges were dismissed by the judge after the attorney for the campaign workers argued that the defendants were engaged in constitutionally protected activity.

4. In July 1996, while an SWP congressional candidate and a campaign worker were campaigning in Miami, Florida across from the campus of Miami Dade Community College, the police pulled out handcuffs and threatened to arrest them if they did not put away

the literature and leave. They did this in the presence of students who were interested in learning more about the campaign.

5. In July 1996, right-wing Cuban Americans in Miami Beach overturned an SWP campaign table in front of police who did nothing to stop this harassment.

6. In December 1995, in Des Moines, Iowa, the offices of the SWP and a bookstore located at the same premises, were the target of an arson attack.

7. In November 1995, a violent and threatening message was left on the answering machine of the Socialist Workers 1995 Campaign in the State of Washington.

8. In May 1995, Ilona Gersh was denied employment at the White Oak Mine in Scofield, Utah. The employee relations director told Gersh that he had investigated her political activities and discovered that she had been a SWP candidate for Congress. The employee relations director further stated that he did not want to hire anyone who was involved with socialist activities.

9. In November 1993, a large piece of asphalt was thrown through the window of the SWP's offices in Detroit, Michigan. The premises had been identified as the location of the SWP offices in literature that had been distributed throughout the City.

10. In September 1993, four campaign workers supporting the bid of SWP candidate Mark Rahn for governor of New Jersey were physically assaulted by a group of Cuban Americans. The assailants shouted "communists," "murderers," and "free Cuba," as they overturned the campaign table and attacked the activists working on behalf of the SWP candidate. One of the campaign workers was taken to the hospital. Although this attack was witnessed by

police officers, they neither acted to prevent the attack nor filed any charges against the attackers.

11. In May 1992, Chris Nisan, the SWP candidate for Congress in the fifth district of Minnesota, received three telephone death threats after leading a demonstration protesting the Los Angeles police department's racially-motivated beating of Rodney King. Three different callers stated that Nisan would be "taken out" for his role in the protests.

12. In February 1992, in Des Moines, Iowa, a bullet was fired through the window of the SWP offices. The attack came during a period in which the SWP was actively expressing its viewpoints at city council meetings and public hearings.

13. In November 1991, an anonymous caller threatened to kill those associated with the SWP offices and a bookstore in Omaha, Nebraska, unless they closed down.

14. In June 1991, a swastika and the slogan "White Power" were spray-painted on the offices of the SWP mayoral campaign in Birmingham, Alabama.

15. In January 1991, the window of the SWP campaign headquarters in St. Louis, Missouri was smashed, the day after the SWP submitted a sufficient number of signatures to qualify to be listed on the ballot in an upcoming election. SWP campaign supporters had focused their signature-gathering efforts on publicizing the SWP's vehement opposition to the war against Iraq.

16. In August 1990, the SWP congressional candidate discovered that the window of the offices of the SWP 1990 Election Campaign and a bookstore at the same premises in Des Moines, Iowa had been vandalized.

17. In May 1990, in Chicago, Illinois, the glass in the front door of the building housing the offices of the SWP was broken by vandals. No other windows on the street were broken in this incident.

18. In December 1989, in Kansas City, Missouri, a telephone message was recorded on the answering machine at the Socialist Workers Party headquarters suggesting that supporters of the SWP's political position on Panama "should be shot."

19. In October 1995, the police singled out two SWP members, on the basis of their political affiliation, from among numerous persons walking a picket line at a Boeing plant in Washington, arrested, finger printed, and photographed them before releasing them without charges.

20. For one and half years, Milton Chee, an aircraft sheet metal worker at the Alameda Naval Aviation Depot and a member of the Socialist Workers Party, was subjected to a Hatch Act investigation for allegedly violating provisions concerning federal employees seeking elective office in a partisan election. Chee had sought election to the San Francisco Board of Supervisors, which state law categorizes as a nonpartisan election, and had received the endorsement of the SWP. The United States Office of Special Counsel eventually concluded its investigation in 1993 and decided not to seek disciplinary action. The office had not commenced its investigation until Chee's superiors at the Alameda Naval Air Station became concerned with the content of Chee's views, which are consistent with those held by the SWP, and had brought Chee to the Office's attention.

21. In September 1992, two SWP campaign workers distributing campaign literature in Jersey City, New Jersey received tickets for violating the city's peddling ordinance. The City subsequently acknowledged that the SWP had been engaging in constitutionally protected activity and dismissed the tickets. In response to this police harassment, the SWP congressional candidate and her supporters requested a letter from the City Council confirming their right to distribute campaign literature. A City Council member recognized that the police might not agree with the views of the SWP, and the City Council unanimously supported this request.

22. In March 1992, Kate Kaku, SWP candidate for U.S. Senator from Illinois and a trade unionist, was arrested on charges of criminal trespass and obstructing an officer as she participated in a rally in support of striking United Auto Workers members. Before entering the venue where the rally was taking place, Kaku had been distributing literature about the SWP campaign, including copies of the socialist newsweekly, *The Militant*, which had endorsed Kaku's campaign. The police told the local press that Kaku and another unionist were arrested because they had been passing around "militant literature." The charges were later dropped without explanation.

23. In August 1991, supporters of the SWP's candidates for state office in New Jersey were harassed and threatened by several police officers. While the campaign workers were staffing a literature table outside of the campaign offices, three police officers, two on horseback, hovered nearby, made threatening comments, and asked provocative questions seemingly for the

purpose of intimidation. In response to escalating threats, the campaign workers took down the table.

Clearly, this regrettable pattern of harassment during the period 1990-1996 is comparable to the harassment during the 1985-1989 period found sufficient by the Commission in its 1990 Advisory Opinion. See AO at 11, 636. As the Commission had stated, such a showing entitles the SWP to a continuation of the exemptions granted in AO 1990-13.

II

Although the Commission in its 1990 Advisory Opinion indicated that renewal of the exemptions would turn upon the post-1989 record of harassment, AO at 11,636, the past history of federal activities directed against the SWP remains relevant. Its unique force did not escape the Commission in considering the SWP's entitlement to exemptions in 1990. Nor can this history of government persecution be ignored here, given its long duration, extraordinary intensity and gross illegality -- all as determined by the federal courts, *Socialist Workers Party v. Attorney General*, 642 F. Supp. 1357 (S.D.N.Y. 1986) and by Congress, Report No., 94-755, Senate Select Committee To Study Governmental Operations With Respect to Intelligence Activities, Book II, Intelligence Activities and the Rights of Americans, and Book III, Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans.

In its 1990 Advisory Opinion, the Commission recapitulated some of this extraordinary history of federal misconduct and animus. AO at 11,634-36. While there is no need to establish once again the facts already found by the Commission, we do believe it important to summarize here again that prior showing, lest the full force of what transpired be lost. Given the intensity,

duration, and pervasiveness of government persecution, it is hardly surprising that the history of FBI disruption ("COINTELPRO"), warrantless burglaries, warrantless wiretaps, informant penetration, and the like still intimidates and still hampers the ability of the SWP to solicit contributions and to engage in educational and political activities. *See* Declarations of Janet Post, Seth Galinsky, and Norton Sandler (Exhibit D); McCartan Decl. ¶¶ 8-10 (Exhibit C).

Beginning in 1941, the Federal Bureau of Investigation began a generalized investigation of the SWP which was to last for at least the next 35 years. *Socialist Workers Party v. Attorney General*, 642 F. Supp. 1357 (S.D.N.Y. 1986).^{3/} The investigation began in roughly the same time period that 18 members of the SWP were prosecuted and convicted for conspiring to advocate the violent overthrow of the government under the Smith Act, 18 U.S.C. § 2385. *Dunne v. United States*, 138 F.2d 137 (8th Cir. 1943), *cert. denied*, 320 U.S. 790 (1943).

In the course of its investigation, the FBI amassed over 8 million documents. Between the years 1960 and 1976, the FBI employed approximately 1,300 informers, of whom approximately 300 were or became members of the SWP, paying over \$1.6 million to the informers alone. The informers routinely and regularly reported upon the lawful political activities, discussions, and debates of the SWP as well as the names, addresses, descriptions and

^{3/} The facts concerning the government's generalized investigation of the Socialist Workers Party are drawn from this decision unless otherwise noted. In 1976, over the objections of the FBI, the Attorney General ostensibly terminated the generalized domestic security investigation of the SWP, 642 F. Supp. at 1400. In doing so, he specifically left open the possibility of reopening the investigation in the future, instructing that information concerning an asserted link between the SWP and a foreign-based political group "should be carefully watched" and that the emergence of "new facts or circumstances" may "justify investigation" and "a reconsideration would be in order." 642 F. Supp. at 1401.

places of employment of members and their families. The informers reported, again on a regular basis, a host of personal information including marital or cohabitational status, marital strife, health, travel plans and personal habits.^{4/}

As the Commission recognized, the SWP was the subject of the FBI's COINTELPRO Program in the 1960's and 1970's. AO at 11,635. The program was "designed to disrupt the SWP on a national, as well as local level." *Id.* (quoting *Socialist Workers Party v. Attorney General*, 642 F. Supp. at 1348). Under the COINTELPRO Program directed specifically at the SWP,^{5/} at least 46 specific disruption operations were conducted by the FBI. The disruption included, among other activities, attempts to embarrass SWP candidates, cause the arrest of candidates, foment racial strife within the SWP and between the SWP and other groups, and cause strife between SWP supporters and others in a variety of political movements and coalitions.^{6/}

^{4/} Report of the Special Master in *Socialist Workers Party v. Attorney General*. This report was prepared at the direction of the district court on the basis of a review of 18 informer files which served as a representative summary of the total 1,300 informer files amassed between 1960 and 1976.

The Special Masters' report and the other exhibits referenced hereafter in Part II of this letter request were submitted to the Commission in support of the SWP's 1990 application for an advisory opinion. For the Commission's convenience, we are resubmitting in a second volume of exhibits all exhibits submitted in support of the 1990 application.

^{5/} The SWP was also targeted for disruption under the auspices of the COINTELPRO Programs directed against the Communist Party and the "New Left." 642 F. Supp. at 1385.

^{6/} An overview of the disruption activities is set forth in *Socialist Workers Party v. Attorney General*, 642 F. Supp. at 1385-89. A more detailed description of many of the disruption activities can be found in Nelson Blackstock, *COINTELPRO: The FBI's Secret War on Political Freedom* (3rd ed. 1988).

As the Commission also noted, the FBI conducted warrantless electronic surveillance of the SWP on an extensive basis. AO at 11,635. In total, electronic eavesdropping resulted in the collection of all manner of information on political matters as well as a host of information on more personal matters.

During the same time period, the FBI conducted at least 204 "surreptitious entries," AO at 11,635, *i.e.*, burglaries, of the offices of the SWP. These burglaries were, of course, not the only means by which the government obtained documents, for the government also maintained an extensive network of informants who, as the Commission found, "reported on the activities, discussions, and debates of the SWP." AO at 11,635.

As the Commission noted, over a period of many years, the FBI maintained lists of the names, addresses, and employers of SWP members -- successively identified as the Custodial Detention List, the Security Index and the Administrative Index -- which targeted individuals for detention in the event of a "national emergency." AO at 11,635. The FBI intended to include all SWP members on these lists. *Id.*

Beginning in 1948, the SWP was included on the Attorney General's list of organizations designated pursuant to Executive Order 9835 establishing the Employee Loyalty Program for certain employees of the executive branch of the government.^{2/} Under the program, an

^{2/} Executive Order 9835 provided that in determining loyalty to the government, one of the factors to be considered was an individual's membership in an organization designated by the Attorney General:

as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of

employment application by a member of a listed organization was subjected to a full field investigation by the FBI and questioned concerning his or her loyalty, and this fact was used to determine whether to hire the individual.^{8/}

Even after the Attorney General's list was terminated in 1974, the FBI continued to report an individual's membership in the SWP. In later years, the FBI described the SWP as follows:

The SWP is a revolutionary, Trotskyist-communist organization which has as its purpose the overthrow of the U.S. Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society.

642 F. Supp. at 1399.

In 1986, after thirteen years of litigation, the court in *Socialist Workers Party v. Attorney General* awarded damages against the United States for this sustained and systematic violation of the SWP's rights. 642 F. Supp. at 1417-25. It found that the FBI had acted with a "malign purpose," with the intent of causing harm, and without any legal authority or justification. 642 F. Supp. at 1419-20.

As the Commission found in its 1990 Advisory Opinion, there is reason to believe that federal animus against the SWP continues, AO at 11,635, reinforcing the chilling effect on First Amendment rights created by past misconduct. The Commission noted that, even after the

government of the United States by unconstitutional means.

Executive Order 9835 was substantially amended by Executive Order 10241 and superseded by Executive Order 10450 so as to include *all* government civilian employees. The Attorney General continued to maintain his list including the SWP throughout these changes.

^{8/} There have been a number of instances in which the fact of the individual's association with the SWP affected his or her employment. *See* 642 F. Supp. at 1389-99.

federal court had issued its judgment holding the FBI's decades-old campaign against the SWP unconstitutional, *Socialist Workers Party v. Attorney General*, 642 F. Supp. 1357 (S.D.N.Y. 1986), and had further found that, as the Commission summarized the holding, the SWP was engaged in "peaceful, lawful political activity," AO at 11,635, the federal government submitted affidavits in 1987 asserting a continuing need to access information about the SWP, its members and supporters. In the government's view, the SWP remained "a hostile organization which has consistently posed a threat to free government." AO at 11,635 (internal quotations omitted). The government continued to insist that "it was -- *and is* -- reasonable for the FBI and other agencies of the Government to believe that the SWP and its members have a revolutionary ideology whose goal is the violent overthrow of our democratic processes and form of government." Exhibit B at 9 (emphasis supplied); this "revolutionary ideology. . . poses a threat to the fundamental interest of self-preservation," *id.* at 10. On this basis, the federal government asserted an interest in and need to know and record the names of members and individuals associated with the SWP. See *Socialist Workers Party v. Attorney General*, 666 F. Supp. 621, 623 (S.D.N.Y. 1987).

Representatives of various government agencies expressed their intent to use such information, and their fundamental antagonism toward the SWP, in clear terms. For example, the Office of Personal Management argued that such "information [is] important because these organizations in the past were opposed to our form of Government and the national interest." Declaration of Gary B. McDaniel ¶ 6, Exhibit C. The Department of State asserted its need for information about any job applicant's "interaction with a group advancing a hostile ideology" for security clearances, and "information about any hostile organization which has consistently posed

a threat to free governments. . . ." Declaration of Roger H. Robinson, ¶¶ 4, 6, Exhibit D. The Immigration and Naturalization Service claimed a need to know the identities of SWP supporters in order to enforce laws making an individual who advocates world communism or the establishment of totalitarian dictatorship deportable from this country, excludable from this country or ineligible for naturalization. Declaration of Edwin W. Dornell, ¶¶ 5, 6, Exhibit E. *See also* Declaration of Thomas J. O'Brien ¶¶ 3-9, Exhibit F, explaining need for access to FBI files on the SWP because they "may serve to corroborate or establish an affiliation with" an organization "characterized by Executive Order 10450" for the purposes of investigation of members of the armed services, civilian employees and employees in industry by the Defense Investigative Service.

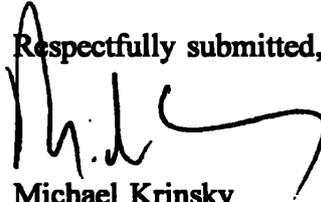
The court ruled against the government. *Socialist Workers Party v. Attorney General*, 666 F. Supp. at 626. More significantly, these assertions of need and pronouncements of intended uses reinforce the lesson reasonable persons draw from the historical record of federal misconduct and animus: that disclosure of their relations with or support of the SWP or its candidates might provide, now or sometime in the future, a basis for federal investigation and other prejudicial government actions.

CONCLUSION

The showing made here of continued harassment is in all respects comparable to the showing found sufficient by the Commission in 1990. Along with the long history of federal persecution, it establishes that, under controlling constitutional principles, the Socialist Workers

Party and its election committees are entitled to renewal of the previously granted exemptions from the disclosure requirements of the Federal Election Campaign Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a cursive combination of the names Michael Krinsky and Michael Ludwig.

Michael Krinsky
Michael Ludwig

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
NOV 1 3 18 PM '96

**VOLUME I OF EXHIBITS SUBMITTED IN SUPPORT OF OCTOBER
31, 1996 REQUEST BY THE SOCIALIST WORKERS PARTY, THE
SOCIALIST WORKERS PARTY NATIONAL CAMPAIGN
COMMITTEE AND COMMITTEES SUPPORTING CANDIDATES OF
THE SOCIALIST WORKERS PARTY FOR AN ADVISORY OPINION**

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**EXHIBITS TO NOVEMBER 1, 1996 LETTER TO
FEDERAL ELECTION COMMISSION**

- A. Washington Public Disclosure Commission 1996 Findings, Conclusions and Order
 - B. Iowa Campaign Finance Disclosure Commission Stipulations
 - C. Declaration of Greg McCartan dated October 31, 1996
 - D. Declaration of Janet Post dated October 19, 1996; declaration of Seth Galinsky dated October 19, 1996; declaration of Norton H. Sandler dated October 21, 1996
1. Declaration of Robert Miller dated September 20, 1996
 2. Declaration of Janet Post dated October 19, 1996
 3. Article by Amy Husk appearing in *The Militant*, September 16, 1996; certificates of disposition dated September 4, 1996 from the Criminal Court of the City of New York; letter dated September 4, 1996 from Wendy Lyons, Paco Sanchez, and Priscilla Schenck
 4. Declaration of Janet Post dated October 19, 1996
 5. Declaration of Janet Post dated October 19, 1996
 6. "Arsonists attack Pathfinder bookstore in Iowa," *The Militant*, January 8, 1996
 7. Declaration of Scott Breen dated November 17, 1995
 8. Declaration of Ilona M. Gersh dated September 23, 1996
 9. Declaration of Toni Jackson dated October 31, 1996
 10. "Rightists attack socialist campaign table in Union City, New Jersey," *The Militant*, September 27, 1993
 11. "King sympathizer reports death threats," *The Star Tribune*, May 10, 1992; "Backers of Minnesota activist denounce death threats," *The Militant*, May 22, 1992
 12. Declaration of Sara J. Lobman dated October 31, 1996; "Bullet shot at Des Moines Pathfinder Bookstore," *The Militant*, March 6, 1992
 13. "Pathfinder bookstore in Omaha gets support against death threat," *The Militant*, December 20, 1991; declaration of Jason Coughlin dated December 15, 1991
 14. "Alabama socialist denounces rightist attack on bookstore," *The Militant*, July 19, 1991

15. "Smashing of socialist campaign office window protested in St. Louis," *The Militant*, February 15, 1991
16. "Pathfinder Bookstore in Des Moines vandalized," *The Militant*, August 24, 1990
17. Declaration of Martin Koppel dated October 31, 1996
18. Declaration of Francisco Sanchez dated October 31, 1996
19. Declaration of Will Elder and Brandon Greenwood
20. "California unionist fights gov't victimization," *The Militant*, September 6, 1993; "U.S. naval station worker wins victory against gov't," *The Militant*, December 27, 1993; "Local Navy Worker investigated for running for political office," *The Alameda Journal*, July 20-22, 1993; "Milton Chee Fighting To Repeal Hatch Act," *Asianweek*, July 23, 1993; "Naval depot worker probed," *Alameda Times-Star*, July 27, 1993; letter from the U. S. Office of Special Counsel dated November 23, 1993; letter from David S. Handscher dated December 13, 1993
21. "Socialist campaigners win victory for democratic rights in New Jersey," *The Militant*, October 30, 1992
22. "Peoria cops arrest socialist candidate," *The Militant*, April 10, 1992; "Charges dropped against unionists," *The Militant*, May 1, 1992
23. "Socialist candidates in Newark protest cop threats," *The Militant*, September 20, 1991

EXHIBIT A



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 403, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF THE APPLICATION OF)	PDC NO. 2055
THE SOCIALIST WORKERS PARTY 1996)	Findings, Conclusions
CAMPAIGN FOR A REPORTING)	and Order
MODIFICATION)	
)	

I.

This matter came on for hearing before the Public Disclosure Commission on the application of the Socialist Workers Party 1996 Campaign for a modification of the reporting requirements of RCW 42.17.065(2) (a and b); .065(5); .067(6); .080(4); and .090. Consideration of the request was made pursuant to RCW 42.17.370(9) and chapter 390-28 WAC by the entire Commission. The proceedings were held in Senate Hearing Room #2, First Floor, John A. Cherberg Building, Capitol Campus, Olympia, Washington, on the afternoon of August 26, 1996. Mark Eide, an attorney representing the Socialist Workers Party, by letter and personal appearance, requested that the Socialist Workers Party 1996 campaign not be required to report the names and addresses of contributors to their campaigns or of vendors to whom the campaign made expenditures. He further requested that original books and records of the campaign not be available for public inspection during the eight days prior to any election. Mr. Eide also requested that the Party not be required to disclose the occupation of any coded contributors, and not be required to identify the contributor's employer. Mr. Eide asked that the requested modification apply to the 1996 Socialist Workers Party campaign and not to the individual candidates running under the Party banner.

II.

Based on the testimony offered at the hearing, the Commission made the following

FINDINGS OF FACT

1. The Socialist Workers Party 1996 Campaign is the election campaign committee of the Socialist Workers Party, a political party which receives funds and makes contributions to Washington state candidates and committees. The party sponsors candidates in state and local elections and has done so for many years. Thus far, no Socialist Workers Party candidate has been elected to public office in Washington state.

Socialist Workers Party 1996 Campaign**PDC Order No. 2055****Page 2**

2. There is a long history of harassment, disruptive efforts by individuals and government agencies, government surveillance, and threats against individuals identified with the Socialist Workers Party nationwide. The Socialist Workers Party is outspoken in its defense of the rights of Blacks and other minorities, desegregation, affirmative action and similar, often controversial issues. As a result, candidates and party supporters have been subject to racial threats and potential victimization.
3. On several occasions in the past Socialist Workers Party campaigns and candidates have been either exempted from or granted modification of campaign reporting provisions of state and federal law because of the hardships met by the party if required to disclose campaign contributors' or vendors' names. The Socialist Workers Party has not reported this information in the past in Washington state.
4. The Socialist Workers Party has run candidates in Washington state for federal, state and local office since 1978. No candidate has won election thus far.
5. There are instances where business owners fear they will become the target of reprisals if it is known they do business with the party or its candidates.
6. Disclosure of the names and addresses of persons who contribute could have a chilling effect on the party's ability to solicit and collect campaign funds.
7. Disclosure of the names and addresses of vendors who supply goods and services could have a chilling effect on the party's ability to purchase necessary campaign materials and services.
8. Disclosure of the occupation of any coded contributors, or the employers of such contributors, could have a chilling effect on the Party's ability to solicit and collect campaign funds.
9. Making the books and records of the Party available for public inspection during the eight days prior to any election could have a chilling effect on the party's ability to solicit and collect campaign funds, and on the Party's ability to purchase necessary campaign materials and services.

III.

Having made these Findings of Fact, the Commission makes the following

CONCLUSIONS OF LAW

1. Literal compliance with all the provisions of the statute and the rules would work a manifestly unreasonable hardship on the applicant.

Socialist Workers Party 1996 Campaign

PDC Order No. 2055

Page 3

2. Limited suspension or modification of the reporting requirements of RCW 42.17 as specified in the Order would not frustrate the purposes of the Act in this particular case.

IV.

Having made these Findings of Fact and Conclusions of Law, the Commission issues the following

ORDER

1. The applicant may satisfy the requirements to report the names and addresses of contributors and persons to whom expenditures are made by assigning a code number to each such person and reporting that code together with the amounts contributed or paid as an expenditure. The applicant shall identify each coded contributor as being either an individual or a non-individual. The applicant shall be required to obtain, but not disclose, the occupation of the contributor and the name and address of the contributor's employer, as required by WAC 390-16-034.
2. The applicant shall not be required to make their books and records of account available for public inspection during the last eight days prior to the election.
3. If more than \$1,100 per election is accepted from any one source, the applicant shall, within 72 hours of receipt of such contribution, deliver written notification to the Public Disclosure Commission, identifying the contributor by code, and designating by name and amount the candidate(s) to benefit from such contribution. The amount designated to benefit a statewide candidate, coming from any one source, shall not exceed \$1,100 per election.
4. This modification shall be in effect through December 31, 1996.
5. In all other matters required to be reported, the applicant shall comply in full with the reporting requirements of chapter 42.17 RCW.

DATED this 15th day of September, 1996.

FOR THE PUBLIC DISCLOSURE COMMISSION



 Melissa Warheit, Executive Director

EXHIBIT B

4. On initial review on June 19, 1991, the Commission declined to grant a waiver from reporting requirements on the basis that the mayoral race was non-partisan, and that therefore party affiliation was irrelevant.

5. On a request by Nan Bailey and the Committee for reconsideration, the Commission reviewed its determination on September 5, 1991, considering additional evidence submitted, including case precedent indicating that the partisan/non-partisan nature of a municipal election was not relevant to a determination as to whether full enforcement of chapter 56 would unconstitutionally deprive a person of rights of free political speech and association.

6. Upon review, the Commission determined that:

a. The Committee is an election committee of the Socialist Workers Party (SWP), a minority political party.

b. There is a history of harassment, disruption, surveillance, violence, threats and other deleterious impacts directed at individuals identified with the SWP, both nationally and within the State of Iowa. There is evidence that business owners fear they will also become a target if it is known that they do business or associate with the SWP or its candidates.

c. The political philosophies expressed as a SWP candidate for a non-partisan mayoral race are consistent with the political philosophies of the SWP. It is a SWP candidate's association with and espousal of these protected political philosophies which has engendered intolerance from the local, state and

national "mainstream"; the intolerance is not dependent on the partisan or non-partisan nature of the election. Therefore, the non-partisan nature of the election will not prevent a partial waiver of the requirements of chapter 56.

d. Consistent with United State Supreme Court decisions interpreting the Federal Election laws (Buckley v. Valeo, 424 U.S. 1 (1976), Brown v. Socialist Workers '74 Campaign Committee (Ohio), 459 U.S. 87 (1982)), decisions in the lower courts, and decisions of other administrative bodies charged with administration of campaign finance laws, an exemption from the reporting requirements of chapter 56 is necessary to prevent infringement of the First Amendment rights to free political speech and free association on the part of the supporters of the Committee as well as to protect the rights of recipients of expenditures from the Committee. However, the Commission is responsible to ensure that compliance with chapter 56 is satisfied without such infringement.

e. Based upon the above, the exemption requested by Nan Bailey and the Committee was verbally granted on September 5, 1991.

7. The Commission notes that the Committee filed a Notice of Dissolution on July 19, 1991.

8. The Commission agrees that it will not require Nan Bailey, Candidate, or the Committee, to provide names of contributors to or recipients of expenditures from the Committee.

9. Nan Bailey and the Committee have filed amended

Disclosure Reports conforming to the decision of the Commission which reflect all required information except names of contributors to or recipients of expenditures from the Committee. The Committee has assigned a code number to each such contributor or recipient and has reported that code together with the amounts contributed or received as an expenditure. The Committee will keep books and records which correlate the code numbers with the names and the contributions or expenditures. Having completed this requirement and upon signing this Stipulation, the Committee will be dissolved.

10. Nan Bailey and the Committee attest that to the best of their knowledge and belief they have not violated Iowa Code § 56.12 (prohibiting contributions in the name of another), § 56.15 (prohibiting contributions from certain entities, e.g., corporations), or (after July 1, 1991) §§ 56.40 - 56.43 (placing limitations on the use of campaign funds and property).

Nan Bailey

NAN BAILEY, Candidate
Individually and on behalf of
the Socialist Workers 1991
Campaign, Nan Bailey for Mayor
Committee

Date: 4/24/92

Kay Williams

KAY WILLIAMS, Exec. Director
For the Iowa Campaign Finance
Disclosure Commission

Date: 4/14/92

BEFORE THE IOWA CAMPAIGN FINANCE
DISCLOSURE COMMISSION

In the Matter of:
Socialist Workers 1991 Campaign,
Sara Lobman for Mayor Committee;
and Sara Lobman, Candidate.

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STIPULATION

Come now the Iowa Campaign Finance Disclosure Commission (the Commission) and Sara Lobman, Candidate, both individually and on behalf of the Socialist Workers 1991 Campaign, Sara Lobman for Mayor Committee (the Committee), and, pursuant to Iowa Code § 17A.10 (1991), enter into this Stipulation of a controversy which might otherwise culminate in a contested case proceeding:

1. The Committee filed its Statement of Organization with the Polk County Auditor on August 15, 1991, indicating Sara Lobman as the candidate supported, Mayor [City of Des Moines] as the office sought, and Christopher S. Remple as treasurer.

2. The Committee filed a Disclosure Report with the Polk County Auditor on October 31, 1991. That disclosure report did not contain identification of contributors to or recipients of expenditures from the Committee. Received later was a letter from the treasurer asserting a waiver of reporting requirements in accordance with the First Amendment of the Constitution of the United States and an Advisory Opinion issued by the Federal Election Commission.

3. The Commission has jurisdiction of the parties and the controversy. The Commission is responsible for enforcement of the Iowa Campaign Finance Disclosure Law, Iowa Code chapter 56.

4. (Section omitted.)

5. The Commission reviewed its determination on January 22, 1992, considering additional evidence submitted, including case precedent indicating that the partisan/non-partisan nature of a municipal election was not relevant to a determination as to whether full enforcement of chapter 56 would unconstitutionally deprive a person of rights of free political speech and association.

6. Upon review, the Commission determined that:

a. The Committee is an election committee of the Socialist Workers Party (SWP), a minority political party.

b. There is a history of harassment, disruption, surveillance, violence, threats and other deleterious impacts directed at individuals identified with the SWP, both nationally and within the State of Iowa. There is evidence that business owners fear they will also become a target if it is known that they do business or associate with the SWP or its candidates.

c. The political philosophies expressed as a SWP candidate for a non-partisan mayoral race are consistent with the political philosophies of the SWP. It is a SWP candidate's association with and espousal of these protected political philosophies which has engendered intolerance from the local, state and national "mainstream"; the intolerance is not dependent on the partisan or non-partisan nature of the election. Therefore, the non-partisan nature of the election will not prevent a partial waiver of the requirements of chapter 56.

d. Consistent with United States Supreme Court decisions interpreting the Federal Election laws (Buckley v. Valeo, 424 U.S. 1 (1976), Brown v. Socialist Workers '74 Campaign Committee (Ohio), 459 U.S. 87 (1982)),

decisions in the lower courts, and decisions of other administrative bodies charged with administration of campaign finance laws, an exemption from the reporting requirements of chapter 56 is necessary to prevent infringement of the First Amendment rights to free political speech and free association on the part of the supporters of the Committee as well as to protect the rights of recipients of expenditures from the Committee. However, the Commission is responsible to ensure that compliance with chapter 56 is satisfied without such infringement.

e. Based upon the above, the exemption requested by Sara Lobman and the Committee was verbally granted on April 7, 1992.

7. The Commission notes that the Committee filed a Notice of Dissolution on January 13, 1992.

8. The Commission agrees that it will not require Sara Lobman, Candidate, or the Committee, to provide names of contributors to or recipients of expenditures from the Committee.

9. Sara Lobman and the Committee have filed Disclosure Reports conforming to the decision of the Commission which reflect all required information except names of contributors to or recipients of expenditures from the Committee. The Committee has assigned a code number to each such contributor or recipient and has reported that code together with the amounts contributed or received as an expenditure. The Committee will keep books and records which correlate the code numbers with the names and the contributions or expenditures. Having completed this requirement and upon signing this Stipulation, the Committee will be dissolved.

10. Sara Lobman and the Committee attest that to the best of their knowledge and belief they have not violated Iowa Code § 56.12 (prohibiting

contributions in the name of another), § 56.15 (prohibiting contributions from certain entities, e.g., corporations), or § § 56.40 - 56.43 (placing limitations on the use of campaign funds and property).

Sara Lobman

Sara Lobman, Candidate
Individually and on behalf of the
Socialist Workers 1991 Campaign,
Sara Lobman for Mayor Committee

Date: 4/24/92

Kay Williams

Kay Williams, Executive Director
For the Iowa Campaign Finance
Disclosure Commission

Date: 4/14/92

EXHIBIT C

DECLARATION OF GREG McCARTAN

Greg McCartan declares under penalty of perjury that the following is true and correct:

1. I am the Director of the Socialist Workers Party 1996 National Campaign Committee, and I have directed national campaigns for the Socialist Workers Party (the "SWP") over a five-year period. I make this declaration in support of the request to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

2. I have been a member of the SWP since 1979 and have personally engaged in campaigning and organizing activities on behalf of the SWP and its candidates for elected office since that time.

3. As the Director of the SWP 1996 National Campaign Committee, I am knowledgeable of the results of elections in which SWP candidates have run for elected office.

4. As of the date hereof, no SWP candidate or candidate receiving funds from an SWP campaign committee has been elected to office in a partisan election.

5. In the 1992 presidential election, the SWP candidate for President of the United States received 23,058 votes.

6. In recent senatorial elections, SWP candidates received 1,038 votes in 1994 for a write-in ticket in Florida; 10,056 votes in 1992 in Illinois; 1,370 votes in 1992 in Iowa; 2,428 votes in 1994 in Minnesota; 2,804 votes in 1990 and 3,606 votes in 1994 in New Jersey; 16,724 votes in 1992 and 14,892 votes in 1994 in New York; and 5,292 votes in 1992 and 1,514 votes in 1994 in Utah.

7. As the Director of the SWP 1996 National Campaign Committee, I am in close contact with SWP candidates and campaign workers. Based upon my personal experiences working on behalf of SWP candidates and campaign committees and those of SWP candidates and campaign workers with whom I have discussed this, it is not unusual for SWP candidates and campaign workers to encounter individuals who are interested in supporting the SWP or its candidates or in receiving additional information about the SWP or its candidates but are reluctant to have their names placed on any mailing list maintained by the SWP or its campaign committees. These individuals indicate to the SWP candidates and campaign workers that they are fearful that they will suffer adverse consequences if they can be identified as having expressed an interest in the SWP or in a candidate the SWP supports. These individuals express a fear of harassment and prejudicial treatment from both governmental and private sources.

8. I have spent a substantial amount of time engaged in efforts to gain new members for the SWP and to garner support for its political activities. Based upon my personal experience and those of other organizers engaged in similar efforts on behalf of the SWP with whom I have discussed this, it is not unusual for individuals who are interested in the political views and projects of the SWP to tell SWP workers and organizers that they are fearful that if their support or affiliation with the SWP becomes publicly known they will suffer negative consequences from both official and private sources.

9. The three declarations of SWP candidates and organizers attached hereto cite specific incidents illustrating the fear and concern that SWP organizers, candidates, and campaign workers encounter when working on behalf of the SWP, its political projects, and SWP-supported candidacies for elected office.

Executed this 31st day of October, 1996 in New York, New York.



Greg McCartan

DECLARATION

I, Janet Post, declare and say:

1. As the Socialist Workers candidate for U.S. Congress in Florida Congressional District 17, I was campaigning at the metro station in downtown Miami during the Summer of 1996. Several working people and youth were discussing political issues and in the process of signing up for more information when Miami police interrupted the discussion, and began to question the legitimacy of the campaign and our right to distribute literature. This intimidated those who were discussing the campaign and they decided not to sign up for more information.

2. Over the last three years on several occasions some of my coworkers at United Airlines have subscribed to our campaign newspapers: the *Militant* and *Perspectiva Mundial*. But some coworkers have asked if the papers could be delivered to my home so I could hand deliver them at work rather than being mailed to their addresses. Other coworkers have asked that the papers be mailed in envelopes.

3. In July, 1996, at a Socialist Workers campaign table in the city of Miami Beach, right-wing Cuban-Americans stole books, literature, and attempted to overturn our campaign table in front of Miami Beach police who did nothing to stop the harassment. A woman who had specifically returned to the table after she got off work to subscribe to the *Militant* and sign up for campaign information was intimidated from giving her name although she defended our right to campaign.

4. Also in July 1996 I was campaigning with a supporter across from Miami Dade Community College, Wolfson Campus, when the Miami police, in front of students interested in learning more about the campaign, pulled out handcuffs and threatened to arrest us if we did not immediately put away the literature and leave. Although we protested the action of the police, we were forced to leave the area and the students were not allowed to finish talking to us or give us their names.

5. While campaigning in October 1996 at Florida International University I met a student who showed interest in signing up to receive leaflets on upcoming events. However, after picking up a copy of the book *FBI On Trial* and raising questions about the history of government surveillance of the Socialist Workers Party, she decided to hold off on giving her name to receive the informational leaflets.

6. Two workers at International Brand Apparels in Miami subscribed to *Perspectiva Mundial* in the Fall of 1995. They asked a campaign supporter working in the plant to deliver the issues to the factory each month instead of having them delivered to their addresses.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 19, 1996 at Miami, Florida.


JANET POST

October 19, 1996

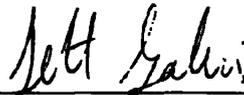
DECLARATION

I, Seth Galinsky, declare and say:

1. As the Socialist Workers candidate for U.S. Congress in Florida Congressional District 21, I organized a meeting for the Socialist Workers candidate for U.S. president for September 1996 at Florida International University-University Park campus. About a dozen students attended the meeting for Harris. Several students signed a list for more information, but one student declined, saying he was worried that the FBI or other government agencies might get a hold of the list.

2. During the week of October 14 I set up literature tables at FIU to help promote opposition to the upcoming visit of rightist politician Patrick Buchanan. Many students were interested in opposing Buchanan's views. Two of the students who were interested declined to sign a mailing list for more information on the Socialist Workers campaign. "Who could get a hold of this list," one of them asked.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 19, 1996 at Miami, Florida.



SETH GALINSKY

October 19, 1996

DECLARATION

I, NORTON SANDLER, declare and say:

1. I am a supporter and campaigner for the Socialist Workers 1996 presidential slate of James Harris for President and Laura Garza for Vice-president.

2. On several occasions over the past several months individuals have refused to sign-up on SWP campaign mailing lists, or make contributions to the campaign saying they feared harassment from the FBI or other U.S. government agencies if they became identified with the Socialist Workers campaign.

3. The most recent examples of what is described above took place while campaigning at San Francisco State and San Jose State Universities in early October 1996 and at the Chevron Refinery plant gate in Rodeo, California, in September 1996.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 21, 1996 at San Francisco, California.

Norton H. Sandler
Norton H. Sandler

Date: 10/21/96

EXHIBIT D

DECLARATION

I, Janet Post, declare and say:

1. As the Socialist Workers candidate for U.S. Congress in Florida Congressional District 17, I was campaigning at the metro station in downtown Miami during the Summer of 1996. Several working people and youth were discussing political issues and in the process of signing up for more information when Miami police interrupted the discussion, and began to question the legitimacy of the campaign and our right to distribute literature. This intimidated those who were discussing the campaign and they decided not to sign up for more information.

2. Over the last three years on several occasions some of my coworkers at United Airlines have subscribed to our campaign newspapers: the *Militant* and *Perspectiva Mundial*. But some coworkers have asked if the papers could be delivered to my home so I could hand deliver them at work rather than being mailed to their addresses. Other coworkers have asked that the papers be mailed in envelopes.

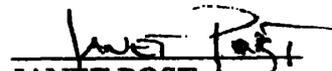
3. In July, 1996, at a Socialist Workers campaign table in the city of Miami Beach, right-wing Cuban-Americans stole books, literature, and attempted to overturn our campaign table in front of Miami Beach police who did nothing to stop the harassment. A woman who had specifically returned to the table after she got off work to subscribe to the *Militant* and sign up for campaign information was intimidated from giving her name although she defended our right to campaign.

4. Also in July 1996 I was campaigning with a supporter across from Miami Dade Community College, Wolfson Campus, when the Miami police, in front of students interested in learning more about the campaign, pulled out handcuffs and threatened to arrest us if we did not immediately put away the literature and leave. Although we protested the action of the police, we were forced to leave the area and the students were not allowed to finish talking to us or give us their names.

5. While campaigning in October 1996 at Florida International University I met a student who showed interest in signing up to receive leaflets on upcoming events. However, after picking up a copy of the book *FBI On Trial* and raising questions about the history of government surveillance of the Socialist Workers Party, she decided to hold off on giving her name to receive the informational leaflets.

6. Two workers at International Brand Apparels in Miami subscribed to *Perspectiva Mundial* in the Fall of 1995. They asked a campaign supporter working in the plant to deliver the issues to the factory each month instead of having them delivered to their addresses.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 19, 1996 at Miami, Florida.


JANET POST

October 19, 1996

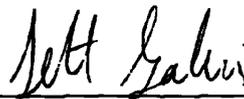
DECLARATION

I, Seth Galinsky, declare and say:

1. As the Socialist Workers candidate for U.S. Congress in Florida Congressional District 21, I organized a meeting for the Socialist Workers candidate for U.S. president for September 1996 at Florida International University-University Park campus. About a dozen students attended the meeting for Harris. Several students signed a list for more information, but one student declined, saying he was worried that the FBI or other government agencies might get a hold of the list.

2. During the week of October 14 I set up literature tables at FIU to help promote opposition to the upcoming visit of rightist politician Patrick Buchanan. Many students were interested in opposing Buchanan's views. Two of the students who were interested declined to sign a mailing list for more information on the Socialist Workers campaign. "Who could get a hold of this list," one of them asked.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 19, 1996 at Miami, Florida.



SETH GALINSKY

October 19, 1996

DECLARATION

I, NORTON SANDLER, declare and say:

1. I am a supporter and campaigner for the Socialist Workers 1996 presidential slate of James Harris for President and Laura Garza for Vice-president.

2. On several occasions over the past several months individuals have refused to sign-up on SWP campaign mailing lists, or make contributions to the campaign saying they feared harassment from the FBI or other U.S. government agencies if they became identified with the Socialist Workers campaign.

3. The most recent examples of what is described above took place while campaigning at San Francisco State and San Jose State Universities in early October 1996 and at the Chevron Refinery plant gate in Rodeo, California, in September 1996.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 21, 1996 at San Francisco, California.

Norton H. Sandler
Norton H. Sandler

Date: 10/21/96

DECLARATION

I, ROBERT MILLER, declare and say:

1. On September 12th, 1996, I set up a Socialist Workers campaign table on a public sidewalk in New Brunswick, NJ in front of the student union at the Rutgers University campus. The table had Socialist Workers campaign placards visibly displayed - US: Hands off Iraq and Stop the attacks on Welfare, as well as a poster for the October 12 march on Washington for immigrant rights, which the campaign supports.

2. Less than five minutes after I set up the table, which also featured brochures for the Harris/Garza presidential ticket, and while I was speaking to a student about the campaign's view of the US war moves in Iraq, a Rutgers policeman approached me.

3. He demanded my drivers license. I asked why. He said there was nothing to talk about and demanded my license again. I explained I was engaged in constitutionally protected campaigning. The policemen grabbed my right arm with two hands and twisted it back.

4. Although I said I would show him my drivers license, he just put more pressure on my arm, pulling me backwards. This attack continued. When he let go, I had a large bruise and abrasion on the inside of my upper right arm.

5. I gave the policeman my license. He demanded my Social Security card, which I gave him because of the threat of renewed violence.

6. He gave me a summons to the New Brunswick municipal court for "soliciting without a permit".

7. The violence against me and attack on democratic rights took place in front of many students including several that were interested in taking campaign brochures.

8. I told the policeman that he was violating my constitutional rights. He said he was glad he did and said file a complaint; we like complaints.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 20, 1996 at Newark, New Jersey.


ROBERT MILLER

Date 9/20/96

DECLARATION

I, Janet Post, declare and say:

1. As the Socialist Workers candidate for U.S. Congress in Florida Congressional District 17, I was campaigning at the metro station in downtown Miami during the Summer of 1996. Several working people and youth were discussing political issues and in the process of signing up for more information when Miami police interrupted the discussion, and began to question the legitimacy of the campaign and our right to distribute literature. This intimidated those who were discussing the campaign and they decided not to sign up for more information.

2. Over the last three years on several occasions some of my coworkers at United Airlines have subscribed to our campaign newspapers: the *Militant* and *Perspectiva Mundial*. But some coworkers have asked if the papers could be delivered to my home so I could hand deliver them at work rather than being mailed to their addresses. Other coworkers have asked that the papers be mailed in envelopes.

3. In July, 1996, at a Socialist Workers campaign table in the city of Miami Beach, right-wing Cuban-Americans stole books, literature, and attempted to overturn our campaign table in front of Miami Beach police who did nothing to stop the harassment. A woman who had specifically returned to the table after she got off work to subscribe to the *Militant* and sign up for campaign information was intimidated from giving her name although she defended our right to campaign.

4. Also in July 1996 I was campaigning with a supporter across from Miami Dade Community College, Wolfson Campus, when the Miami police, in front of students interested in learning more about the campaign, pulled out handcuffs and threatened to arrest us if we did not immediately put away the literature and leave. Although we protested the action of the police, we were forced to leave the area and the students were not allowed to finish talking to us or give us their names.

5. While campaigning in October 1996 at Florida International University I met a student who showed interest in signing up to receive leaflets on upcoming events. However, after picking up a copy of the book *FBI On Trial* and raising questions about the history of government surveillance of the Socialist Workers Party, she decided to hold off on giving her name to receive the informational leaflets.

6. Two workers at International Brand Apparels in Miami subscribed to *Perspectiva Mundial* in the Fall of 1995. They asked a campaign supporter working in the plant to deliver the issues to the factory each month instead of having them delivered to their addresses.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 19, 1996 at Miami, Florida.


JANET POST

October 19, 1996

BY AMY HUSK

BRONX, New York — Defenders of democratic rights won a victory here September 4, when charges were dismissed against three supporters of the Socialist Workers campaign in a Bronx courthouse. The three campaigners — Wendy Lyons, Paco Sanchez, and Priscilla Schenk — were detained by police August 4 at Orchard Beach Park in the Bronx while petitioning to get James Harris and Laura Garza on the ballot in New York state. Their petitions and other literature were confiscated and they were charged with "unlawful solicitation" and "assemblies, meetings, and other exhibitions."

The three socialist campaigners were represented by Beth Haroules of the New York Civil Liberties Union. Haroules said in an interview she was pleased to see a case where the "judge recognized the bogus nature of the charges. The three activists were engaged in protected political activity and the case was dismissed as it should have been."

Raynald Laforest of the Haitian Mobilization to Defend Immigrant Rights and the ~~American Federation of State County and Municipal Employees~~ came to the courthouse to show support for the campaigners. Laforest said he felt stakes in this fight were high. "In the climate of attacks on workers and immigrants, I'm especially concerned about cases like this. It behooves us to get involved in a struggle like this and to educate around it," he stated.

One of the issues the socialists were campaigning around was support for the October 12 demonstration for immigrant rights.

CRIMINAL COURT OF THE
CITY OF NEW YORK

Part SAP County of Bronx

CERTIFICATE OF DISPOSITION

No 438196

Docket No. 96X136236Y 1996

THE PEOPLE OF THE STATE OF NEW YORK

. vs. D.O.B

Lyons Wendy 1/6/45
NAME AGE

125 Seaman Ave 4B
ADDRESS

New York NY
CITY STATE

105(A) 3 Park Reg
OFFENSE

8/4/96
DATE OF OFFENSE

105(A) 3 Park Reg
DISPOSITION

Dismissed

Sept. 4, 1996
DATE OF DISPOSITION

CCO Bronx
CRIMINAL COURT PART COUNTY

Soto
JUDGE

I hereby certify that this is a true excerpt of the record on file in this Court.

DATE Sept. 4 1996

J. G. Soto Title

COURT OFFICIAL (Signature) Title

CRIMINAL COURT OF THE
CITY OF NEW YORK

Part SAP County of Bronx

CERTIFICATE OF DISPOSITION

No 438195

Docket No. 96X136555Y 1996

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DATE Sept 4 1996

J. G. Soto Title

COURT OFFICIAL (Signature) Title

Socialist Workers New York Campaign Committee

214 Ave. A (Mailing address: PO Box 2652) New York, NY 10009

Phone: (212) 328-1504 • Fax: (212) 328-1502 • CompuServe: 104124,1405

James Harris for *President*

Laura Garza for *Vice President*

September 4, 1996

Dear Friends,

Thanks to your efforts we won a victory for freedom of political expression today. The charges against us were dismissed at the Bronx courthouse. We had been charged with "soliciting" and illegal assembly under Park Department regulations, while petitioning to put James Harris and Laura Garza on the ballot at Orchard Beach.

Beth Haroules of the New York Civil Liberties Union represented us in court. She argued that we were engaged in the constitutionally protected activity of petitioning when the police surrounded us and seized the petitions, literature, and signs saying "Defend immigrant rights!", "Stop Police Brutality!", "End the blockade against Cuba!". The penalty, if convicted, would have been up to \$1,000 and/or 90 days in jail.

The judge dismissed the charges immediately after Attorney Haroules made her argument. We want to thank all of you who stood up to the attack on democratic rights. By shining a spotlight on it, through your messages and calls, you helped make this victory possible.

In Solidarity,

Wendy Lyons
Paco Sanchez
Priscilla Schenck

DECLARATION

I, Janet Post, declare and say:

1. As the Socialist Workers candidate for U.S. Congress in Florida Congressional District 17, I was campaigning at the metro station in downtown Miami during the Summer of 1996. Several working people and youth were discussing political issues and in the process of signing up for more information when Miami police interrupted the discussion, and began to question the legitimacy of the campaign and our right to distribute literature. This intimidated those who were discussing the campaign and they decided not to sign up for more information.

2. Over the last three years on several occasions some of my coworkers at United Airlines have subscribed to our campaign newspapers: the *Militant* and *Perspectiva Mundial*. But some coworkers have asked if the papers could be delivered to my home so I could hand deliver them at work rather than being mailed to their addresses. Other coworkers have asked that the papers be mailed in envelopes.

3. In July, 1996, at a Socialist Workers campaign table in the city of Miami Beach, right-wing Cuban-Americans stole books, literature, and attempted to overturn our campaign table in front of Miami Beach police who did nothing to stop the harassment. A woman who had specifically returned to the table after she got off work to subscribe to the *Militant* and sign up for campaign information was intimidated from giving her name although she defended our right to campaign.

4. Also in July 1996 I was campaigning with a supporter across from Miami Dade Community College, Wolfson Campus, when the Miami police, in front of students interested in learning more about the campaign, pulled out handcuffs and threatened to arrest us if we did not immediately put away the literature and leave. Although we protested the action of the police, we were forced to leave the area and the students were not allowed to finish talking to us or give us their names.

5. While campaigning in October 1996 at Florida International University I met a student who showed interest in signing up to receive leaflets on upcoming events. However, after picking up a copy of the book *FBI On Trial* and raising questions about the history of government surveillance of the Socialist Workers Party, she decided to hold off on giving her name to receive the informational leaflets.

6. Two workers at International Brand Apparels in Miami subscribed to *Perspectiva Mundial* in the Fall of 1995. They asked a campaign supporter working in the plant to deliver the issues to the factory each month instead of having them delivered to their addresses.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 19, 1996 at Miami, Florida.


JANET POST

October 19, 1996

DECLARATION

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Executed on October 19, 1996 at Miami, Florida.


JANET POST

October 19, 1996

Arsonists attack Pathfinder bookstore in Iowa

BY JOHN STUDER

DES MOINES, Iowa — The Pathfinder bookstore here was the target of an arson attack in the early morning hours of December 18.

The bookstore has been open in Des

Moines since 1987 as a source of political books that make available the ideas and writings of working-class and revolutionary leaders. Among the authors published by Pathfinder are Fidel Castro, Nelson Mandela, V.I. Lenin, Leon Trotsky and

other leaders of the Russian revolution, Malcolm X, Farrell Dobbs, and Thomas Sankara.

"This arson attack is part of a pattern of one of the worst political crimes of our age — the burning of books," bookstore manager John Cox said in a fact sheet prepared after the attack and distributed to area bookstores, political organizations, and supporters of democratic rights.

The fire was set along the outside front wall. It damaged a section of wall, burning through to the inside of the bookstore beneath a large plate glass window. The books and other literature in the store suffered extensive smoke damage.

Firefighters responded quickly, preventing the blaze from consuming the building. A fire investigator determined that the incident was the result of arson, adding, "It looks like someone was trying to do you some damage."

The Pathfinder bookstore also rents space to the Mark Curtis Defense Committee and the Socialist Workers Party.

Two nights before the fire, the Militant Labor Forum, which holds weekly programs at the bookstore, had organized a panel discussion opposing the sending of U.S. troops to Yugoslavia.

The Mark Curtis Defense Committee (MCDC), which has been organizing an international fight for justice for Mark Curtis — a socialist and union activist imprisoned on frame-up charges of rape and burglary in 1988 — sponsored a highly

Continued

Arson attack on socialist bookstore

Continued from front page
publicized meeting at a downtown hotel the night before the attack. The event, held to celebrate the recent decision of the Iowa State Board of Parole to grant Curtis parole, was covered by Des Moines TV channel 13, the local NBC affiliate.

The bookstore and MCDC headquarters have been victimized by politically motivated vandalism in the past, including having a gunshot fired through one of the front windows and a physical assault that caused \$2,000 in damage.

Pathfinder representatives arrived at the bookstore at 4:30 a.m. after hearing about the fire from a supporter of the bookstore who had been following calls over his police scanner. They immediately began notifying the press, and the three local television stations sent reporting teams to the store.

Police not keen to pursue investigation

Senior police investigator Dennis Morgan, the Des Moines police officer who responded to the call, left before fire authorities determined the blaze had been set on purpose. When contacted later, Morgan said the police were convinced that it was arson, but had decided to put the case on "hold" unless bookstore or MCDC volunteers would provide them with the name of someone to investigate.

"This cowardly act was clearly a politically motivated act, an attempt to close down the free exchange of books and ideas, a blow to free speech. The book burners hoped to shut down the bookstore and intimidate those who rent space there," bookstore manager Cox said in a statement released to the press that morning. He demanded that "the Des Moines police do all in their power to catch and prosecute to the fullest extent of the law those responsible for this attack."

Notice of the fire and efforts of bookstore supporters to press authorities to catch those responsible were carried by all the area television stations and the *Des Moines Register*, the only daily newspaper here.

"Store owner believes fire was politically motivated," read the headline on the front page of the *Register's* Metro section. "Des Moines Fire Investigator Robert Nifenegger said no arrests immediately were

reported, but he verified that the fire was a case of arson. He said someone applied some kind of accelerant to the front of the building and ignited it."

Supporters of the free exchange of ideas and opponents of violent attacks against political groups organized a protest meeting and press conference at the Pathfinder bookstore December 19. Held amidst the fire-damaged store — which volunteers have kept open with a sign in the door reading "Excuse the fire, we are open for business" — local activists gathered and spoke out against the attack.

Many join protest meeting

"Join in a nonpartisan effort to protest this criminal attempt to burn down the Pathfinder bookstore and to press the authorities to act swiftly and with determination," Cox told the 30 people present. "Send a message to John 'Pat' Dorrian, mayor of Des Moines, urging that city authorities take decisive action to find those responsible and prosecute them. This is the best way to send a clear message that book burning will not go unpunished."

"We are here to talk about hate crimes," Tim Andrews, president and executive director of the Gay and Lesbian Resource Center, said. "Right-wing extremists should be opposed by every rational Iowan. They are being fueled by hate mongers on the radical fringe of the right wing. I call on every reasonable Iowan to oppose such acts and to work towards healing our society rather than destroying it."

Cox read from a message sent to the meeting by Ed Fallon, Iowa State Representative in the 70th District, who said, "I do not know whether the recent act of arson at the Pathfinder Bookstore was politically motivated or just another random act of senseless violence. Either way, it is highly condemnable, and the entire greater Des Moines community should speak with one voice against such violence, whenever and against whomever it may occur."

Larry Ginter, a family farmer and leader of the Iowa Citizens for Community Improvement, told the meeting, "It is an outrage that the police have taken a blasé attitude towards the fire at the bookstore. Finally, I want the folks who run the bookstore to understand that I am in complete

solidarity with them because damage to one is damage to all." Earl Simes, a farmer and member of the Iowa American Agriculture Movement, also spoke.

Jane Magers-Fionoff, a leader of the local chapter of the Women's International League for Peace and Freedom; Bob Peters, a former striker at Firestone; and a number of other workers active in the United Auto Workers and United Food and Commercial Workers unions attended the meeting.

A statement from Rev. Gil Dawes, a leader of Prairiefire, an area group that aids farmers facing hard times, noted, "The Pathfinder bookstore has long proclaimed its point of view publicly, which is more than can be said for individuals who are only able to argue their point of view by private acts of terrorism.... None of us should remain silent, for such acts are a threat to all."

Harold Ruggless, president of United Auto Workers Local 270, said, "We cannot allow this kind of attack to go unanswered. No matter where it starts, ultra-right-wing violence always comes to roost against the labor movement. We must stop it in its tracks."

"This attack on the bookstore and our offices comes within weeks of our scoring a significant victory on Mark Curtis's behalf," Hazel Zimmerman, secretary-treasurer of the Mark Curtis Defense Committee, told the media. The attack came "only hours after we held a widely publicized meeting at the Best Western downtown to celebrate this victory and plan our next steps," she said (see article on page 16).

"Until those responsible for this crime are caught and prosecuted, we can't know who their target was — the political books in the Pathfinder bookstore or our defense committee. Either way, this form of cowardly attack must be condemned and brought to a halt."

Statements were also read from Rev. Ken Stuber; Mack C. Shelley, political science professor at Iowa State University; and Roxanne Gould, a Native American activist in Sioux City, Iowa.

Messages urging action to catch and prosecute those responsible for the arson attack can be sent to Mayor John Dorrian, 400 East First, Des Moines, Iowa 50309.

Statement by Scott Breen

On November 4, 1995, I heard the following message on the answering machine at the headquarters of the Socialist Workers 1995 Campaign.

"You Trotskyist agents of fascism think you are funny don't you. You Trotskyist assholes in the ISO, SWP, and FSP think what you did to me--Richard Scott Mode--is really funny, didn't you? Called me a child molester, didn't you? You fucking, lying, communist bitch! Better be careful. Last time I was in your Bookstore I smelled gas.

I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct.

Scott Breen

Scott A. Breen Nov. 17, 1995

DECLARATION

1. I applied for employment at the White Oak Mine in Scoffield, Utah in May of 1995.

2. Screening interviews included questions on whether applicants had held union jobs before, whether they would turn in a fellow-worker for making a mistake, if they would like to become part of management, and if they had any complaints about their previous bosses. I was also asked if I was familiar with the Pathfinder Bookstore. When I asked why he wanted to know, the Employee Relations Director told me that all applicants from Salt Lake City, where I resided, were being asked if they knew what the Pathfinder Bookstore was.

4. I was told after I was rejected for employment by the Employee Relations Director that he had investigated my political activity in northern Minnesota in 1980, when I was a candidate for U.S. Congress for the Socialist Workers Party while employed in an iron ore mine organized by the United Steel Workers of America. He said he had copies of articles from the Mesabi Daily News on my socialist activities. He told me that he had decided not to hire anyone from Salt Lake City because of the fact that he had uncovered my socialist activities at the last minute, and didn't want to hire anyone like me.

5. The Employee Relations Director showed another applicant, Pat Grogan, a leaflet for a Militant Labor Forum that he said had been sent to him anonymously. It was for a public meeting on the Russian Revolution that she had spoken at a year-and-a-half before.

6. The Employee Relations Director told Dan Fein, another applicant, that he had seen him go into the Pathfinder Bookstore on the previous Monday night, and knew that he had spoken at the bookstore last February on the subject of "death on the job."

7. The Employee Relations Director came to the Pathfinder Bookstore the following week, and bought a booklet published by the UMWA Women's Auxiliary and a copy of *Changing Face of U.S. Politics -- Working Class Politics and the Unions*.

I, Ilona M. Gersh, declare under penalty of perjury that the foregoing is true and correct. Executed on September 23, 1996 at New York, New York.

A handwritten signature in cursive script, reading "Ilona M. Gersh". The signature is written in dark ink and is positioned above a horizontal line.

Ilona M. Gersh

DECLARATION

I, TONI JACKSON, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. That on November 17, 1993, a large piece of asphalt was thrown through the window of the Socialist Workers Party offices in Detroit. The damage was discovered early morning on November 18th. No other windows were broken on the street.
2. I witnessed the damage done to the window of the party offices.
3. The premises had been identified as the location of the SWP offices in election campaign literature that had been distributed throughout the city.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 1996.


TONI JACKSON

Date 10/31/96

Rightists attack socialist campaign table in Union City, New Jersey

**BY TED LEONARD
AND DAN FURMAN**

NEWARK, New Jersey — Mark Rahn, the Socialist Workers candidate for governor of New Jersey, announced that one of his campaign supporters will be filing charges of assault and interference with a state election campaign following a September 12 incident in Union City, New Jersey, in which four campaign supporters were assaulted.

The campaigners were one of several teams that fanned out across northern New Jersey that weekend to distribute literature and discuss struggles of working people, from the fight for a democratic, nonracial South Africa and the recent agreement between the Palestine Liberation Organization and the Israeli government to the fight to end the embargo against Cuba.

Shouting "communists, murderers" and "free Cuba," a group of right-wing Cuban-Americans overturned the campaign table and physically assaulted the socialist activists.

Michael Baumann, who was helping to staff the table, was punched in the face and had to be

taken to a hospital. Books from the overturned table by Malcolm X, about South Africa, and opposing Washington's 1991 war against Iraq were torn apart.

More than half a dozen Union City police officers were present; they witnessed the attack but did not act to prevent it. The cops briefly held one of the rightists but later released him without filing charges.

The effort to force the authorities to prosecute the attacks is part of a broader fight to defend democratic rights in northern New Jersey. Supporters in the state of the U.S.-Cuba Friendshipment caravan which in August successfully delivered 100 tons of material aid to Cuba, are currently fighting to get charges against three antiembargo activists dropped.

Criminal charges were brought against Eugene McElroy, Jeff Fogel, and Sandy Shvak after they were attacked by rightists. They were assaulted following the loading of material aid for the caravan in a park in Elizabeth, New Jersey.

"The success of the U.S.-Cuba Friendshipment reflects growing

opposition to the U.S. government embargo, including by Cuban-Americans," Rahn explained. "My campaign has had numerous tables in Union City, which has the second largest Cuban-American community in the United States.

"The goal of the rightists is to shut down the discussion through violence and intimidation. These are the same tactics used by outfits like Operation Rescue, whose efforts to shut down abortion clinics in Philadelphia and other cities this summer were thwarted by the mobilization of thousands of young pro-choice activists."

"I call on the Union City officials to condemn the September 12 attack, to defend my right to campaign, and to prosecute to the fullest extent of the law the thugs who attacked my supporters. I also demand the Union county prosecutors drop the charges against the three caravan activists.

"I urge supporters of democratic rights — trade unionists and young persons, fighters for the rights of Blacks and women, defenders of civil liberties — to join me in these demands."

Star Tribune 5/10/92



Staff Photo by Joey McLeister

Chris Nisan urged federal prosecution of the Los Angeles police in the Rodney King case at a rally yesterday at Chicago Av. and Lake St.

King sympathizer reports death threats

An organizer of last weekend's Minneapolis rally against the police acquittals in the Rodney King case said Saturday that he has received death threats, with three callers telling him he will be "taken out" for his work on the rally.

Chris Nisan, a community activist and Socialist Workers Party candidate for the Fifth District congressional seat now held by U.S. Rep. Martin Sabo, D-Minn., talked about

the threats at a rally yesterday afternoon at Chicago Av. and Lake St. He said he had passed along the threats to Minneapolis police.

About two dozen people listened to Nisan's speech, and supporters passed out leaflets about his candidacy to passing motorists. He called on a federal grand jury to indict the four Los Angeles police officers who were acquitted in the beating of King.

Backers of Minnesota activist denounce death threats

BY LEAH FINGER

MINNEAPOLIS, Minnesota — Chris Nisan, a prominent leader in the fight against police brutality here and in St. Paul, received three telephone death threats at his home the night of May 7. Nisan was a central organizer of a May 2 march of 6,000 in Minneapolis demanding justice for Rodney King.

Three different callers stated that Nisan would be "taken out" for his role in organizing the protests. Nisan is the Socialist Workers candidate for U.S. Congress in the 5th District.

"I pin the blame for these threats against my life on the U.S. government," said Nisan. "Every day that goes by without a federal indictment under existing civil rights legislation of the criminals in uniform in California emboldens ultrarightists, white supremacists, agents provocateurs, and other opponents of broad, united protests against police brutality."

Clusters of people on all four corners listened to Nisan and other speakers at a street corner rally May 9. Campaign supporters passed out leaflets denouncing the death threats.

To show support for Nisan in the face of the threats, leaders and members of the Africana Student Cultural Center and the Coalition for Police Accountability attended the event. Clyde Bellecourt, a leader of the American Indian Movement, also attended with a group of activists.

"We're out here today," Nisan said, "to

Backers of Minnesota activist protest threats

Continued from front page
speak to working people and youth about the need to keep the pressure on! We have to press the fight for federal prosecution of the criminals who beat Rodney King."

Coverage of the rally was featured on local TV stations along with interviews with Nisan. "These threats are aimed at intimidating us from building a movement," he explained. "But our response is to build the movement. We will continue the fight for justice for Rodney King."

Supporters of Nisan plan to go to union officials, the mayor, Nisan's opponents in the congressional race, and others to request condemnations of the death threats.

DECLARATION

I, Sara J. Lobman, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On February 20, 1992, a bullet was fired through the front window of the Des Moines, Iowa, offices of the Socialist Workers Party and Young Socialist Alliance.
2. The two organizations were centrally involved in a fight against police brutality, which had developed several months earlier in the wake of a cop beating of Larry Milton, a 35-year-old Black worker.
3. At the time I was the chairperson of the local chapter of the Young Socialist Alliance and had been the Socialist Workers Party candidate for mayor in the 1991 elections.
4. In discussions with Internal Affairs Sergeant Jim O'Donnell, I was informed that the case was suspended unless I could come up with the name of a suspect.
5. Only when he was told this was the third attack on the offices in several years did he agree to resubmit it to the detective bureau to see if they would reopen the file.
6. To my knowledge no investigation was ever carried out and no one was ever arrested in the incident.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 1996.


Sara J. Lobman

Date 10/31/96

Bullet shot at Des Moines Pathfinder Bookstore

BY JOHN STUDER

DESMOINES, Iowa — A bullet was fired through the large plexiglass storefront windows of the Pathfinder Bookstore here the evening of February 20. The bookstore also houses the offices of the Socialist Workers Party and Young Socialist Alliance. Last week the Mark Curtis Defense Committee moved its materials and equipment in.

The bookstore has served as an organizing center in the fight against police brutality here the past month and a half in the wake of last December's brutal cop beating of Larry Milton, a 35-year-old Black worker.

Activists in the fight against the cops' brutality have used the bookstore as a place to meet and plan actions, and to discuss the role of the cops under capitalism.

Bookstore manager Shirley Peña explained that volunteers returned to the store after a meeting to find the front window with a bullet hole in it. There was glass blown out on the floor over 40 feet away.

The police were called to the scene and dismissed the attack as "mischief." The bookstore has been physically attacked twice before in the past few years, and the police have consistently refused to take any action.

Cleve Andrew Pulley, a leader of the SWP, and Sara Lobman, chair of the YSA, wrote to Des Moines mayor John Dornan to urge he use his office to press for the apprehension and prosecution of the thugs who shot the bookstore.

"As you know from our participation at city council meetings and public hearings called by the city council over the last two months, we are well-known participants in the effort to protest the police beating of Larry Milton," they wrote.



Pathfinder bookstore in Des Moines had window pierced by bullet February 20

Militant

"Unionist and political activist Mark Curtis, whose defense committee rents space in our office, recently won an \$11,000 judgement against the Des Moines police for brutalizing him in the city jail.

"Pictures of Larry Milton and Mark Curtis as they looked after being brutalized are hung in the windows of the office — the windows the thugs' bullets shot through," they added.

Two television stations responded to a press release on the incident by coming to film the gunshot hole in the window. The *Des Moines Register* reported on the

shooting.

Internal Affairs Sergeant Jim O'Donnell informed Lobman that the case had been suspended. "It is closed unless you can give us the name of a suspect for us to investigate," he said. After Lobman told him that this was the third attack in recent years, he agreed to resubmit it to the detective bureau to see if they want to reopen the file.

"We will press for action," bookstore manager Peña said. "And we will appeal to supporters of Pathfinder and democratic rights to protest this attack and to contribute to help repair the bookstore windows."

Pathfinder bookstore in Omaha gets support against death threat

BY GREG PRESTON
AND PAT LEAMON

OMAHA, Nebraska — On November 28 the Pathfinder bookstore here received a phone message from an anonymous caller threatening to kill those associated with the store unless it closes down. The space that houses the bookstore also serves as offices for the Socialist Workers Party and Young Socialist Alliance.

The death threat is the latest in a series of threats against political activity and minority groups in Omaha. The Great Plains Black History Museum received threatening letters from the Ku Klux Klan; the University of Nebraska at Omaha Multicultural Center has been the target of racist phone calls; the Indo-China Refugee Assistance Center was badly vandalized this spring; and gay people have been assaulted on the streets. No one has been

arrested for any of these crimes.

In a press conference at the bookstore attended by four local TV stations and three radio stations, Arnold Weissberg, director of the Pathfinder bookstore, noted that the store had been the target of two previous attacks. In 1989 and again in February 1990 its windows were shattered.

Melanie Williams, representing the Omaha Young Socialist Alliance, made a statement connecting the attacks against abortion clinics with this incident. Letters denouncing the death threat and supporting free-speech rights were received from Omaha Mayor P.J. Morgan; Doug Lee-Regier, a prominent community activist; Father Jack McCaslin; Rowena Moore, President of the Malcolm X Foundation; and Mark Cohen, an attorney who represents Airman Jason Coughlin, a member of the YSA fighting for the right to free speech at Offutt Air Force Base.

DECLARATION

I, JASON COUGHLIN, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On November 28, 1991, the Omaha, Nebraska, offices of the Socialist Workers Party and the Young Socialist Alliance received an anonymous phone message threatening to kill members of the two organizations unless the building was shut down and the members left the city.

2. I personally heard the taped phone message.

3. At that time I was a member of the Omaha, Nebraska, chapter of the Young Socialist Alliance.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 15, 1991.


JASON COUGHLIN

Date 12/15/91

Alabama socialist denounces rightist attack on bookstore

BY DAN FURMAN

BIRMINGHAM, Alabama — John Hawkins, Socialist Workers Party candidate for Birmingham mayor, denounced the recent spray-painting of swastikas and the slogan "White Power" on the building that houses the offices of the Socialist Workers Party and the Pathfinder bookstore.

Hawkins called it "an attempt by rightist forces — such as the Ku Klux Klan, Nazis, and some skinheads — to exercise political intimidation against those fighting for social progress — trade unionists,

fighters for Black rights, fighters for women's rights, socialists, and other defenders of democracy.

The socialist candidate was speaking at a June 19 news conference held at the Pathfinder bookstore and covered by three local TV stations, several radio stations, the Birmingham News, and the Post Herald.

James Tuohy of St. Andrews Episcopal Church joined Hawkins in condemning the attack at the news conference. Several written statements of support and solidarity were also received.

"It is unfortunately a small step from attacking a bookstore . . . to burning books . . . to banning ideas . . . to jailing people whose views or race or religion you don't share," wrote John Zippert, co-publisher of the *Green County Democrat*. A statement from Birmingham Mayor Richard Arrington decried the attack and promised that the police department would conduct an investigation.

Responding to questions from reporters, Hawkins pointed out that the attack was not simply what the media labels a "hate crime." Instead, Hawkins said, it was an attempt to create an atmosphere of political intimidation.

A plate glass window at the former offices of the party and bookstore was broken two years ago by local skinheads. At that same time, paint was thrown on the statue of Martin Luther King, Jr. in Kelly Ingram Park. Young people in the area organized several demonstrations that politically pushed back this attempt of fascist-like outfits to operate more openly. The Socialist Workers Party and Young Socialist Alliance were in the forefront of those organizing that response, the socialist candidate noted.

Asked about his reaction to the mayor's statement, Hawkins called it "a step in the right direction." He went on to urge the city administration to do all in its power to apprehend and prosecute the perpetrators and to insure that a similar or more damaging incident does not occur in the future. "We won't be satisfied," the socialist candidate said, "until that is done."

"It is easy to see why we were singled out this time," said Hawkins, pointing to the role of the Pathfinder bookstore in distributing revolutionary literature and to the SWP and YSA's participation in working-class struggles. "But more importantly, this act is aimed at all who struggle for social justice."

Smashing of socialist campaign office window protested in St. Louis

BY ANDREA GONZALEZ

ST. LOUIS — On the night of January 30 the window of the Socialist Workers campaign headquarters here was smashed.

The day before, campaign supporters had turned in 3,800 signatures, 1,000 over the number required for ballot status. Supporters had put the war at the center of the petitioning drive. They focused on three demands since the war began: "Stop the bombing!", "End the embargo against Iraq!", and "U.S. troops out of the Middle East!"

In the days since the window was smashed support messages have been received from Benjamin Hoover, Sr., a frame-up victim and political activist; Tim Kaminski, a member of the Communist Party; Dan Hellinger and Art Sandler, leaders of the Latin American Solidarity Committee; and Ted Braun, a longtime political activist from southern Illinois.

Bill Ramsey, a leading opponent here of the U.S. war; Eldora Spiegelberg, president of St. Louis Women's International League for Peace and Freedom; and Rev. Ted Schoeder, a prominent activist in the city, will be joining David Rosenfeld, the socialist candidate for president of the Board of Aldermen at a press conference protesting the attack.

Pathfinder Bookstore in Des Moines vandalized

BY TED LEONARD

DES MOINES, Iowa — The Pathfinder Bookstore and offices of the Socialist Workers Party 1990 Election Campaign here were vandalized August 14.

Héctor Marroquín, the SWP's candidate for U.S. Congress in the 4th C.D., discovered at 11:30 a.m. that someone had attempted to smash the bookstore windows. The attack caused more than \$600 damage. The windows were not, however, broken out because they were made of laminated glass.

Bookstore manager Jason Redrup told the *Militant* that supporters of the Pathfinder Bookstore and the Socialist Workers Party's election campaign intend to press city authorities and police for immediate action to find out who did the damage and prosecute them to the fullest extent of the law.

DECLARATION

I, MARTIN KOPPEL, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

On May 22, 1990, the glass in the front door of the building housing the Socialist Workers Party offices in Chicago was broken by vandals. No windows in other establishments on the street were broken. I personally observed the damage to the front door of the SWP offices.

**I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 31, 1996.**


MARTIN KOPPEL

Date 10/31/96

DECLARATION

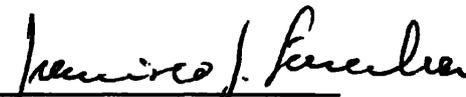
I, FRANCISCO SANCHEZ, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. On December 31, 1989, a message was left on the phone answering machine at the Socialist Workers Party headquarters in Kansas City, Missouri, that said in part, "...to suggest that the U.S. invasion of Panama was a racist attack is ludicrous, it's pure demagogu...you should be shot." The message was left after a public meeting had been held at that location to condemn the U.S. invasion of Panama.

2. I was a member of the Kansas City branch of the SWP at the time and personally heard this threatening message left on the answering machine.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 1996.


FRANCISCO SANCHEZ

Date 10/31/96

Statement from Will Elder and Brandon Greenwood of Spokane, WA.

On Thursday Oct. 5, 1995, we were given a ride out to the Boeing strike picket lines by Tom Jeannot (Will's stepfather). We first asked to talk with the person in charge. We then went to the workers on the picket line and began to ask them questions. We received a friendly response. Officer C. North, from the sheriff's department, came over and asked for our IDs. She took down our names, addresses, and phone numbers and did a warrant check. She said, "What are you doing here? I hear you guys are from some socialist group. You have no business here, leave." We took the bus home.

On Monday October 9, we went to the Boeing picket lines with Rich Stuart, Socialist Workers candidate for Seattle Port Commission #5. First we talked with the union representative who was very friendly. Then we went to talk with the workers on the picket line. We had several long conversations with several picketers who explained that they were happy to have our support. We distributed two copies of our campaign newspaper the *Militant*. We carried picket signs. After awhile Officer North drove by and when she saw us she did a U-turn and ran over to one of the strike leaders. After talking to her, he came up to us and said, "We have enough support. We don't want you here. You don't know what the issues are. Leave."

Officer North recognized one of us (Brandon) and the other (Will) explained that he was also one of the people who she had talked to the other day. Both of us were very polite. Officer North said, "You have to leave." We nodded in agreement, but North continued. "I don't think that you get it, come with me." We walked over to her police car. Officer North said, "Socialist groups have nothing in common with unions. You have no reason to be here. You don't know what the issues are. You are just here to cause trouble."

At that point, Mr. Stuart came up. He said, "What is the problem officer? I am responsible for these two people. I brought them here. I will take them home." Officer North said, "These are just a couple of socialist kids trying to cause trouble." Officer North then told us to get in the car which we did do. She and Mr. Stuart continued to discuss the matter. We heard Mr. Stuart explain to Officer North that he was a candidate for the Port Commission.

Four more sheriffs showed up and Officer North told them, "I've got some obnoxious kids here." Then she began to yell at us in the back seat, "What are you doing here? You don't know what you are talking about. You don't know the issues. Unions and socialists have nothing in common. You are wearing that god damned button (Brandon was wearing a button that said 'Defend the Cuban Revolution. Socialism or Death.') You don't even know why you are here."

North drove us to the station. During the entire trip she discussed politics. Officer North said things like, "What are you doing here? What is that paper? Who is your friend?" Once we were at the station, North said, "You understand you are arrested." I said, "If you try to escape you will be charged with a felony." We were fingerprinted and mug shots were taken of us. Officer North photocopied the *Militant*.

Eventually Officer North told us to leave. We were never charged with anything. On the way out the door North said, "If you guys ever go back there even if you have union permission, I will find something to arrest you for."

We declare under penalty of perjury under the laws in the State of Washington that the foregoing is true and correct.

Will Elder



Brandon Greenwood



California unionist fights gov't victimization

BY OSBORNE HART

SAN FRANCISCO—The Navy base command at Oakland's Alameda Naval Aviation Depot recently took a new step in a year-long campaign to silence Milton Chee, a civilian base employee and outspoken opponent of the U.S. invasion of Iraq. The Navy has turned Chee over for investigation by the Office of Special Counsel (OSC) for alleged violations of the Hatch Act. If Chee is found guilty of violating the act, he may be fired. With the support of many of his coworkers, union officials, and others in the community, Chee is fighting this witch-hunt.

Chee works as an aircraft sheet metal mechanic. He is a member of the International Association of Machinists Local 1584 and the Socialist Workers Party.

The Hatch Act is an antidemocratic law that severely restricts political rights and activities of federal employees. Federal workers are prohibited from distributing partisan election campaign literature, participating in the activities of political parties or clubs, endorsing candidates, and raising funds for partisan candidates.

Hatch Act

Congress passed the Hatch Act in 1939 because of alleged improprieties in the Works Progress Administration (WPA), which was set up by President Franklin Roosevelt in the 1930s as a federal make-work program to force millions of unemployed off the jobless relief rolls and onto government projects.

Ostensibly the Hatch Act protected federal workers from political coercion by incumbent politicians. But it had nothing to do with the protection of federal employees. It was one of a series of laws passed before World War II designed to curtail workers' political rights.

Today the OSC polices the Hatch Act as the enforcement arm of the Office of Personnel Management, formerly the Civil Service Commission, which administers federal employees.

According to Navy officials, the basis for



Militant/Osborne Hart
Milton Chee (center), being interviewed at July 19 news conference about his victimization by Navy. Half-hidden directly behind Chee is John McKee, representative of IAM Local 1584, and Chee's lawyer David Handsher (left).

the charges against Chee stem from his campaign as a candidate in the nonpartisan 1992 elections for San Francisco Board of Supervisors. More than 12,000 people voted for Chee.

Although the Hatch Act allows participation in nonpartisan elections, the OSC contends that because Chee's candidacy was supported by the Socialist Workers Campaign Committee, a partisan organization, the Board of Supervisors elections were partisan elections under the Hatch Act.

The OSC subjected the unionist to two grueling three-hour-long interrogations to gather evidence to convict him of violating the Hatch Act. These interrogations are not held in front of a judge. There are no legal protections against badgering a witness. The OSC is free to ask questions without any restrictions. The effect is to intimidate and wear down witnesses who come before them.

OSC investigators demanded information about Chee's campaign activities, his relationship to the Socialist Workers Party, what

kind and how many flyers were distributed during his campaign, Chee's distribution of flyers to workers at the Alameda Naval Aviation Depot, and who the individuals were who might have received campaign literature. They wanted to know whether Chee held any official posts in the Socialist Workers Party or had ever run as a delegate to a party convention.

These interrogations form an important component of the Navy's political attack against the aircraft mechanic. In addition, Chee's already large legal expenses rise significantly each time the OSC initiates a new round of questioning.

Chee is fighting back

Chee is fighting back against the Navy's attempt to silence him. At a news conference held with supporters a few hours prior to his second OSC interrogation July 19, he demanded an immediate halt to the harassment campaign. His attorney, David Handsher,

Continued

California unionist

Continued

and John McKee, chief shop steward of IAM Local 1584, joined him. Both released statements echoing Chee's call for an end to the investigation.

"The real issue here is not whether the Board of Supervisors election was partisan or nonpartisan," stated Chee.

"The reason I am being investigated is that I am a socialist working in a war industry who disagrees with the U.S. government," he continued. "The U.S. government wants to cut off workers in government service from the opportunity to discuss alternative political views of the important issues of war, economic depression, racism, and sexism that affect their lives.

"I chose to run for the San Francisco Board of Supervisors," he continued, "to draw attention to the deepening crisis of the world capitalist economy, the increasing number of U.S. military actions abroad from Iraq to Bosnia, the accelerating attacks on social programs and the continued assault on Black and minority rights."

Chee said he campaigned against the U.S. economic embargo of Cuba, for support to the democratic revolution in South Africa, and an end to the "shameful treatment of Haitian refugees and other immigrants" by Washington.

He emphasized that he is "not the only target of this attack.

"Censuring me is intended to intimidate other members of my union," Chee stated, "discourage union activity, and dampen political discussion on the job."

McKee said, "The International Association of Machinists has been against the Hatch Act for as long as I can remember.

"The IAM feels the Hatch [Act] has outlived its usefulness and it is used as a tool by management to harass and control the employees," he continued.

"I feel that this is a witch-hunt by the OSC and the Alameda Naval Air Station management, because he belongs to the Socialist Workers Party," explained McKee. "Management over look[s] violations of the Hatch Act, but in turn, go after someone that they dislike because of his political views and associations."

The IAM representative pointed out that one worker ran for Congress as a Republican. "When management found out," he said, "they told him that he was violating the Hatch Act and that he would have to drop out of the race. Management did not turn it over to OSC."

McKee asked, "Why does the federal government only go after selective individuals?"

Handsher explained the government's victimization and entrapment ploy.

"Mr. Chee came to the attention of the special counsel only because his employer was upset at the content of Mr. Chee's political views," he said. "After Mr. Chee engaged coworkers in educational discussions regarding his views, the Department of the Navy at Alameda promulgated a rule that outlawed 'material of political nature' from the base."

"Although the term has never been defined, the Navy disciplined Chee for past transgressions, transferred him and turned his name over to the special counsel."

Handsher added that Chee, "Ran for Supervisor in what is by law a *nonpartisan* election."

The government's harassment campaign began more than a year ago. The aircraft sheet metal worker was detained and interrogated after work by Naval Intelligence and base security. He was questioned about distributing a Militant Labor Forum flier announcing a public free-speech meeting on the Middle East.

'Contraband list'

Over the next four months, management cited Chee with two letters of caution. The first included a "contraband list." "[C]irculation of political literature" was included among the items along with drugs, weapons, photographic equipment, and drug paraphernalia.

Union leaders were unaware of the existence of such a "contraband list" until Chee was accused of bringing contraband on the base. Local 1584 filed an unfair labor practices grievance for the use of the list against Chee.

After receiving the cautionary letters, the unionist was transferred first from his normal production job to another part of the plant and finally to a clerical job away from coworkers on the shop floor.

The job transfers and cautionary letters did not deter Chee from deciding to run for San Francisco Board of Supervisors. The Navy then referred his case to the OSC.

Significant news coverage

Chee's case has drawn significant news coverage in the Bay Area. The *Alameda Journal* and *Times Star*, read by many of his coworkers and fellow union members, published articles. The Asian-American media — electronic and print — that reported on the aircraft worker's election campaign, featured prominent coverage.

Asian Week, an English-language weekly with a circulation of 20-30,000 among the 28 nationalities that constitute the U.S. Asian-American community, featured a front-page story on the case.

Terence Hallinan, who won a Board of Supervisor's seat in the last election, told *Asian Week*, "The threatened prosecution of Milton Chee is ridiculous and a complete abuse of federal law."

San Francisco's Chinese-language *Sing Tao Daily* newspaper published an article. In addition, KTSF-26, the Bay Area Asian television station, covered the news conference and interviewed Chee.

The interest in the case and its outcome has prompted Naval Air Station management to include copies of media coverage in their daily circular to supervisors.

U.S. naval station worker wins victory against gov't

Officials won't indict mechanic for alleged Hatch Act violation

BY JIM GOTESKY
AND OSBORNE HART

SAN FRANCISCO — "We've won a victory against government political repression. Workers at the Alameda Naval Aviation Depot will now have more political space to express their views and discuss the problems of war, race and sex discrimination, and economic depression that plague our lives," Milton Chee said.

Chee was holding a copy of the U.S. Office of Special Counsel (OSC) letter informing him of their decision to back down from threats to prosecute him for alleged violations of the Hatch Act.

Chee is an aircraft sheetmetal worker at the Alameda Naval Aviation Depot. He is a

See editorial — page 14

member of the International Association of Machinists Local 1584 and the Socialist Workers Party.

The OSC is the police agency charged with enforcing the Hatch Act for the Office of Personnel Management (OPM), which regulates government workers' conduct. The OSC letter, dated November 23, stated, "[The] OSC has decided not to seek disciplinary action against you . . ."

The government agency began investigating Chee after he ran as a socialist candidate for San Francisco Board of Supervisors in the nonpartisan 1992 city elections. Chee garnered 12,000 votes.

Invoking provisions of the Hatch Act that forbid government employees or workers under government contract from running in partisan elections for public office, the OSC conducted an intensive investigation of Chee, including on-the-job interviews and two three-



Militant/Osborne Hart
Aircraft mechanic Milton Chee at party with supporters in Oakland, California, celebrating victory against government attempt to indict him for his political activities.

hour-long interrogations in the guise of legal hearings. Chee faced possible firing for supposedly violating the Hatch Act.

The aircraft mechanic petitioned and qualified for ballot status in the nonpartisan Board of Supervisors race. The OSC contended that because the Socialist Workers Campaign Committee endorsed Chee's candidacy the race was in fact a partisan election.

Chee's attorney, David Handsher, took issue with this view in a statement released to

the media. "While I applaud the Special Counsel's good sense in not seeking disciplinary action against Mr. Chee, I strongly disagree with its interpretation of the [Hatch] Act and implementing regulations, in that the Special Counsel continues to maintain that Mr. Chee's participation in a local election, which by State law is non-partisan, is restricted because of Mr. Chee's endorsement by the Socialist Workers Party."

Handsher hit on the real reason for the
Continued

Naval base worker wins victory

Continued

OSC investigation. "Upset with the content of his political views, Mr. Chee's employer [the Federal Government] referred his case to the U.S. Office of Special Counsel."

Workers react with enthusiasm

Workers at the Alameda Naval Aviation Depot reacted enthusiastically to the news that the government backed down.

Charles Turner, an aircraft electrical worker, said, "It feels good to see someone stand up and fight. Not enough people do that." A Chinese worker who learned about Chee's case in the Chinese-language *Sing Tin Daily* observed, "The government had to drop the case; it would have cost them more had they kept on. They knew you would stand up and fight them."

One contract worker commented, "The government doesn't represent us anymore. Its good to see you back them off."

The OSC investigation was the most recent part of a year-and-a-half campaign of harassment by the base management and Naval command to prevent Chee from expressing his political views on the job.

The aircraft machinist came under base authorities' scrutiny when he spoke out against the U.S.-led invasion of Iraq. Navy brass ordered the Military Police to detain Chee for carrying a flyer advertising a public meeting opposing the U.S. war in the Middle East.

The base management then cited him for violating a contraband list that banned the "circulation of political literature." The list lumped political literature among such items as drugs, weapons, photographic equipment, and drug paraphernalia as items not allowed on base.

Until then, Chee's union local was unaware of the existence of such a contraband list. Local union leaders filed an unfair labor practices grievance to block the use of the list against Chee and other workers.

When the unionist announced his decision to run for political office he publicly exposed these attempts to silence him. The Navy then called in the OSC to cite him for violations of the Hatch Act.

What made Chee's victory possible was his decision not to be intimidated by government threats. He fought back and won broad support from his coworkers, his union, and San Francisco Bay Area political rights activists. Chee's case received wide publicity, particularly in the Chinese media.

Pleased with the news of Chee's victory, IAM Local 1584 officials invited him to attend an Executive Board meeting to explain the victory. He will also report the government's decision in his case to the local's next membership meeting. The union is planning to continue the fight against the use of the contraband list.

At a recent party celebrating Chee's victory, the unionist made a toast thanking those who aided his fight.

"We staled an attempt by the government to fire me and to take away my retirement and other benefits," he said. "They tried to intimidate me and, in turn, intimidate other federal workers for thinking and acting politically. We were able to discuss the important issues facing working people today. It's not only that we stood up and fought, but we stood up and fought with through the union."

Despite recent reforms in the Hatch Act made by Congress that allow workers to participate in some election activity off the job, the Hatch Act remains a weapon in the hands of the government to selectively victimize outspoken workers among the millions of government employees.

The Hatch Act

The act was passed in 1939 as part of a series of antidemocratic measures designed to curtail workers' rights as Washington prepared to enter World War II. Among these were the Foreign Agents Registration Act and the notorious Smith Act, which allowed the government to prosecute workers for their ideas.

It is no irony that the Hatch Act was used against Chee, an outspoken opponent of U.S. imperialist interventions abroad. The socialist explained to his supporters that today, as in the 1930s, "a war drive is on, stemming from the growing economic crisis and attacks on our rights and our livelihoods."

The November 23 OSC letter to Chee attempted to diminish the fact that the government decided not to prosecute him, by asserting he was guilty of violating the Hatch Act. The letter threatened that if Chee were to run for public office again, the OSC would prosecute him.

The aircraft mechanic told his supporters that he and Handsler are drafting a formal reply to the OSC letter rejecting the assertion that Chee was in violation of the Hatch Act in any way. He plans to widely publicize the victory in his case. A news conference is scheduled and supporters are organizing a victory rally.

Local Navy worker investigated for running for political office

By Brad Mehler
Staff Writer

Federal officials may charge a local Navy worker who ran for a seat on the San Francisco Board of Supervisors last year with violating a pre-World War II federal statute which limits the political participation of federal employees.

Milton Chee, a sheet metal worker at the Alameda Naval Aviation Depot, is being investigated for violating the 1939 Hatch Act by seeking a seat on the board of supervisors. If convicted, Chee could be fired.

The Hatch Act is aimed at preventing cronyism and favoritism in politics by limiting the participation of federal employees in partisan politics, according to its supporters. It prohibits employees from running for partisan office or from taking a leading role in campaigns. The act outlaws the use of a federal office or position for political ends.

Chee, a member of the Socialist Workers Party, called for an end to the investigation during a July 19 press conference in San Francisco where he was scheduled to be interviewed by investigators at 1:30 p.m.

"The reason I am being investigated is that I am a Socialist working in a war industry who disagrees with the U.S. government," he said. "But I am not the only target of this attack. Censuring me is intended to intimidate other members of my union, discourage union activity and dampen political discussion on the job."

Despite the stated aims of the Hatch Act, Chee says it has not so much protected employees from cronyism as chilled political participation. Chee, who started his job at NADEP in 1949, said when he worked for the Postal Service in the late 1940s, he saw workers afraid of politics because of the act. He said some refused to sign petitions, which is not prohibited under the act.

Chee's attorney, David Handsher, said Chee's run for the board of supervisors should not count under the Hatch Act because it is a local, non-partisan office.

Although he is a member of the Socialist Party and received its endorsement during the campaign, he did not run as a Socialist.

Congress is currently looking at revising the act. A House of Representatives revision, which expands the allowed political participation of employees, was approved on March 13. Another bill is still before the Senate.

According to Chee, the entire episode began a week before last year's November election when a NADEP supervisor accused him of distributing pamphlets for his campaign on Alameda Naval Air Station. A base regulation prohibits the distribution of politically oriented literature on the base.

Such literature is considered contraband, the same way that weapons and drugs paraphernalia are, Chee said. Even if the Office of Special Counsel does not charge him under the Hatch Act, base officials might still take ac-

tion against him for violating that rule.

He said he did not realize it at the time, but those same officials turned him in to the Office of Special Counsel.

Chee accuses the base of having a double standard. He noted that technically, the rule could include newspaper editorials.

John McKee, chief shop steward of the International Association of Machinists (IAM) Local 1584, of which Chee is a member, also accused base officials of a double standard. Speaking at the July 19 press conference, McKee called the investigation a witch hunt.

According to McKee, the foreman who counseled Chee about the pamphlets is the member of a political organization which posts flyers advertising guest speakers. The base has taken no action against that individual.

"My question is why does the federal government only go after selected individuals and not one of their own?" he said.

If the Office of Special Counsel decides to charge Chee, he will go before the Merit System Protection Board, which will hold an administrative hearing. If convicted, he may appeal before an administrative law judge.

The Office of Special Counsel is mum on the investigation. Spokesperson Paul Ellis said, "I can neither confirm nor deny that an investigation is being conducted."

NADEP officials also had no comment on the case.

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Milton Chee Fighting To Repeal Hatch Act Alameda Aircraft Sheet Metal Worker Possibly Violated Provisions As Supervisor Candidate

By Gerard Lim

ALAMEDA (CA) — Chinese American Milton Chee, who ran for the San Francisco Board of Supervisors during last November's city elections, is in hot water for what he believes are his personal political views as a member of the Socialist Workers Party. An aircraft sheet metal worker at the Alameda Naval Aviation Depot, Chee is the subject of an investigation by the Office of Special Counsel (OSC) of the Merit Systems Protection Board for alleged violations of the Hatch Act.

The San Francisco Board of Supervisors race is supposed to be a nonpartisan race. The OSC contends that since the Socialist Workers Party endorsed Chee during the election, it made him a partisan candidate.

The primary purpose of the Hatch Act was to prevent members of extreme groups from becoming federal employees, particularly communists. In 1939

enactment evolved out of World War II paranoia within the United States, and its enforcement has usually targeted atomists. Should he be found guilty of violating provisions of the Hatch Act, Chee may be fired from his job.

Chee believes he is being scapegoated and made an example of by the OSP for his activities as a socialist. During his '92 campaign, Chee spoke out against the U.S. war effort in Iraq, called for the annals of the Los Angeles police officers who beat Rodney King, denounced U.S. policy as it pertained to Haitian refugees, pushed for the right of women to choose abortion and pursued a shortened work week (with no decrease in pay), among his major platform points.

"These are not popular issues with U.S. government," Chee said matter-of-factly during an informal July 19 news conference in front of the United Nations. See Chee, page 19



Milton Chee (center) is calling for the repeal of the Hatch Act with a little help from his attorney David Handsker (left) and John McKee of the International Association of Machinists. (Photo by Gerard Lim)

Chee

From page 1

Plaza building in San Francisco. "The purpose of the Hatch Act is to chill political discussion and dissent among the millions of government workers.

"If you work for the government, shut up and do what you are told. The sin of which I am guilty is that I had something to say, and I said it," he added. Chee is now calling for the repeal of

'The sin of which I am guilty is that I had something to say, and I said it.'

Milton Chee
Socialist Workers Party

the Hatch Act.

"He is being singled out because of his political affiliation," said John McKee, the chief shop steward with the International Association of Machinists, the union with which Chee is also a member. McKee, who has worked with Chee at the Alameda Naval Air Station for the last five years, said the Hatch Act was nothing more than "a tool to control certain people" and that selective enforcement of the act is consistently applied. McKee himself is not a socialist.

The Naval Air Station accused Chee of distributing propaganda on the base last year and subsequently added "political literature" to its list of items banned from the premises. Up until that point, the primary sticking points for Alameda naval administrators on the base were weapons and drug paraphernalia, according to Chee, who said the definition of "political literature" is much too vague.

"Would an editorial on President Clinton's stance on gays in the military printed in the paper be considered 'political literature'?" Chee facetiously asked. He has charged that both major political parties have continued to shift toward a conservative bent, away from the interests of the common working people, which he feels he represents.

"The threatened prosecution of Milton Chee is ridiculous and a complete abuse of federal law," said San Francisco Supervisor Terence Hallinan, who ran (and won) the same supervisors race as Chee last November and who has known Chee since the two were ardent Vietnam War protesters.

Chee suspects that the effort being put together against might merely be part of the larger picture which involves the closing down of several Northern California military bases. He has gone on record to champion the closing down of all the bases, despite working on one.

"You have to ask why the bases exist at all," Chee said. "It's primarily to carry out the policies of capitalists, not the working people." As of now, Chee said neither he nor his attorney, David Handsker, possess evidence that the OSP might be targeting him because of his Chinese heritage.

Alan Ghirardelli, the OSP investigator interrogating Chee's case, opted to reserve comment on the case since proceedings are ongoing. Ghirardelli, instead, referred Asian Week to the Office of Special Counsel in Washington, D.C., which also withheld comment. ■

Naval depot worker probed

By Chuck Oddy
STAFF WRITER

An Alameda Naval Depot worker who ran for a non-partisan seat in the last San Francisco Board of Supervisors election is being investigated for alleged violations of the federal Hatch Act, which prohibits federal employees from participating in partisan elections.

Milton Chee, 53, testified for two hours last week before the Office of Special Counsel, the investigative arm of the federal Office of Personnel and Management.

Chee said later he believes that he is being persecuted for his political beliefs.

"This is not a question of partisanship but of views I express, both on and off the job," said Chee, a member of the Socialist Workers Party.

Chee said the government is taking the position that although the election was non-partisan, Chee was endorsed by the Socialist Workers Campaign Committee, which in effect gave Chee's participation a partisan flavor.

Also, he is under investigation for bringing contraband materials — political pamphlets — onto the base.

Chee was detained by base security April 30 when some of his fellow employees complained that he was distributing literature on the job.

Tuesday, July 27, 1963

The Island

ALAMEDA TIMES-STAR

AS



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

NOV 30 1993

November 23, 1993

Mr. Milton Chee
1056 Treat Avenue
San Francisco, CA 94110

Re: OSC File No. HA-93-0112

Dear Mr. Chee:

This is to advise you that the Office of Special Counsel (OSC) has concluded its investigation. While OSC has decided not to seek disciplinary action against you, this letter constitutes an official warning that OSC has determined that you engaged in a variety of activities violative of the Hatch Act, 5 U.S.C. §§ 7321-7328. If you should again violate the Hatch Act, we would consider your violation knowing and willful.

For your information, we provide the following summary of OSC's grounds for its determination. First, you ran for a seat on the San Francisco Board of Supervisors in the November 3, 1992, general election. The Hatch Act generally prohibits federal employees from actively participating in partisan political management or political campaigns. Regulations implementing the Hatch Act prohibit federal employees from becoming candidates or campaigning for an elective office in a partisan election. 5 C.F.R. § 733.122(b)(6) The general election in which you ran as a candidate was a partisan election because you accepted the endorsement and support of the Socialist Workers Party, which received votes in the last preceding election at which presidential electors were selected. See In the Matter of Broering, 1 P.A.R. 778 (1985); 5 U.S.C. § 7326.

In addition, the evidence indicated that you distributed campaign literature for candidates running in partisan elections and you held positions and actively participated in the management of the Socialist Workers Party. At the time you engaged in this conduct, it was unlawful for a Federal employee in your position to take an active part in political management or campaigns. 5 U.S.C. § 7324.

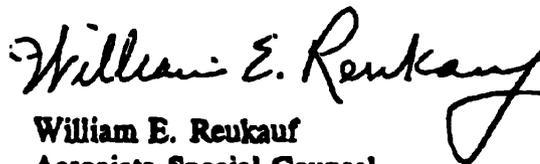
We note that the Hatch Act was recently amended to permit Federal employees in your position to campaign for candidates in partisan elections and to hold positions and take an active role in political parties. However, you are still restricted from

Mr. Milton Chee
OSC File No. MA-93-0112
Page 2

being a candidate for public office in partisan elections. Moreover, you may not engage in political activity while on duty or in any government office.

For your information, I have enclosed a copy of our current publication on the Hatch Act's applicability to federal employees. Please do not hesitate to contact the Office of Special Counsel at (202) 653-8944 should you have any questions concerning the Hatch Act's applicability to you.

Sincerely,

A handwritten signature in black ink that reads "William E. Reukauf". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

William E. Reukauf
Associate Special Counsel
for Prosecution

LAW OFFICES
OF
DAVID S. HANDEKER
225 PINE STREET, SUITE 1200
SAN FRANCISCO, CA 94104
(415) 398-0900

RAYMOND W. LAING
OF COUNSEL

December 13, 1993

William E. Reukauf
Associate Special Counsel for Prosecution
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: Milton Chee, OSC File No. RA-93-0112

Dear Mr. Reukauf:

This is in reference to your November 23, 1993 correspondence to my client Milton Chee, in which you stated that the Office of Special Counsel, after concluding its investigation, had decided not to seek disciplinary action against Mr. Chee.

Let me first applaud your office in reaching the conclusion that disciplinary action against Mr. Chee would not effectuate the purposes of the Hatch Act in these circumstances. It is clear that Mr. Chee's involvement in the political process was both without knowledge that he was violating the Hatch Act and more importantly was far removed from the basic purpose of Hatch Act restrictions, to protect federal employees from being subject to patronage demands.

However, I disagree with your interpretation of the Act and implementing regulations, in that you continue to maintain that Mr. Chee's participation in a local election (which by state law is non-partisan) is restricted because of Mr. Chee's endorsement by the Socialist Worker's Party. From what danger of patronage have you protected Mr. Chee and his co-workers? The restriction is especially egregious in this circumstance where First Amendment rights of speech, no matter how controversial, troublesome or unpopular, are being abridged in the name of said protection.

It is instructive to note that Mr. Chee's situation only came to the attention of the Special Counsel after his superiors at the Alameda Naval Air Station became concerned with the content of Mr. Chee's views. The Air Station even went so far as to implement and apply retroactively an overly broad and vague order outlawing the possession of "political literature" against Mr. Chee. There is also evidence that other employees were merely warned when in engaging in conduct thought to violate the Hatch Act, while Mr.

Chee's case was immediately referred to the Special Counsel for investigation.

Again, thank you for exercising good sense in not seeking disciplinary action against Mr. Chee. It is time, however, to reevaluate the premises under which the Hatch Act has been used and interpreted. As this case makes clear we have strayed far afield from the noble purposes for which the Act was enacted and have begun to see it used as an instrument of repression of the free speech of a whole class of citizens.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David E. Handsher", with a long horizontal line extending to the right.

David E. Handsher

Socialist candidates in Newark protest cop threats

BY CINDY JAQUITH

NEWARK — The Socialist Workers Party candidates for state office in New Jersey are protesting a police provocation against supporters at a campaign table set up in downtown Newark.

On August 26, supporters set up their regular Saturday literature table on the sidewalk outside the campaign offices. The table offered the *Militant* newspaper, which carried an article on the candidates' denunciation of recent police brutality in northern New Jersey and featured the fight against the ultrarightist assault on abortion rights in Wichita, Kansas. Also on the table were books and pamphlets by Malcolm X, Nelson Mandela, and Fidel Castro, and buttons opposing police violence.

At 1:30 p.m., a cop on horseback approached the table and asked, "What kind of books are those? Are you communists?" As he sought to start a debate, a campaign supporter asked him to move since his horse was blocking access to the literature table and the campaign headquarters entrance.

Several minutes later the same cop returned with another officer on horseback. They were soon joined by a third cop on foot. For more than half an hour the three stayed there, seeking to intimidate passersby from approaching the literature table or entering the headquarters, despite the repeated objections of campaign workers.

One cop provocatively suggested, "If we got a crowd around and could show people what these people really stand for, I bet that table would be turned over." He also asked if the socialists had a permit for the table.

One of the mounted cops asked, "Do you think Commander [his horse] could make it up those stairs?" He was referring to the stairway leading to the campaign offices, which are located on the second floor.

With the police threats escalating, the campaign workers took down the table.

The socialists' attorney, Bill Volonte of the American Civil Liberties Union, stated that the cops' behavior amounted to "threatening mob action" against a legal election campaign. The socialists collected more than 1,000 signatures on nominating petitions to appear on the November ballot. They are running for seats in the State Senate and State Assembly.

A campaign statement was released by SWP candidates Rachel Knapik, a pharmaceutical worker and member of the Oil, Chemical and Atomic Workers union; Karen Kopperud, a rail worker and United Transportation Union member; and Jason Redrup, chairperson of the Newark Young Socialist Alliance.

They pointed out that the cops' action "is a blatant violation of the Bill of Rights guarantee of free speech and a threat to the right of all working people who seek to present their views to the public — from trade unionists on picket lines, to activists defending access to abortion clinics, to protesters against police brutality."

The candidates declared, "We will not be intimidated. We will continue to actively campaign in Newark, including in the downtown area. We will not accept this attempt to deny working people and youth the right to read the *Militant*, to study the speeches of Malcolm X and Nelson Mandela, to learn about the Cuban revolution. We will continue to campaign against police brutality — from Los Angeles to Newark — just as we will speak out for a countermobilization to answer ultrarightist assaults like those in Wichita."

The candidates urged all supporters of democratic rights to lodge protests with Newark Mayor Sharpe James, City Hall, Newark, New Jersey, urging him to instruct the Newark police "to immediately cease and desist from this harassment." Copies should be sent to the Socialist Workers 1991 Campaign, 141 Halsey St., Second Floor, Newark, New Jersey 07102.

Socialist campaigners win victory for democratic rights in New Jersey

BY MARTY PETTIT

JERSEY CITY, New Jersey — City officials were forced to back off from their harassment of socialist campaigners here. In a victory for democratic rights, the New Jersey Socialist Workers campaign received a letter signed by acting corporation counsel of Jersey City Paul Mackey stating that campaigning is "protected by the First Amendment and cannot be regulated under peddler's licenses such as the one adopted by Jersey City... the Socialist Workers Campaign Committee is not required to maintain a peddler's license to conduct its activities on the streets of Jersey City."

Jane Harris, SWP candidate for Congress in the 13th District, and several of her supporters requested such a letter at the September 30 Jersey City council meeting, following the ticketing of two of her supporters September 20 on charges of violating the city's peddling ordinance.

Harris led a team of campaign volunteers to Jersey City's Asian Indian community September 20 after three men were finally indicted for violating federal civil rights laws in the brutal beating five years earlier of 28-year-old Dr. Khausal Sharan. The crime against Dr. Sharan came in the midst of a series of violent attacks against Asian Indians in the summer of 1987. Among the victims were Bharat Kanu-Bhai Patel, who was beaten by youths with a 10-pound aluminum rod; students Vikas Aggarwai and Syed Shukaib Hasan, who were attacked in Hoboken by teenagers wielding baseball bats; and Navroze Mody, who died of his injuries after being beaten on a Hoboken street.

The campaign volunteers passed out a statement issued in response to an escalation of police violence in neighboring Newark.

New Jersey. There was also quite a bit of discussion about the cop riot that had occurred in New York City a few days earlier.

Volunteers Devin Oldendick and Susan Zárate had been campaigning for about a half-hour when cops drove up and summarily wrote out two tickets. The tickets carry a fine of \$100 each.

The council was unanimous in supporting the socialist campaign's request for the letter confirming their right to distribute literature. Councilman Jaime Vazquez said, "We're dealing with something other than vending here... The police may not agree with what [the socialists] are saying, but [the socialists] have a right to their point of view." Vazquez was referring to the fact that the socialist campaign table posted a sign saying "Stop Police Brutality."

Assistant corporation counsel Thomas Fodice, who was present at the meeting, was forced to admit, "In general, political material is protected even if there is a charge for that material."

Carmen Mendiola of the city law department affirmed on October 1 that the police are "tearing up" the citations.

Jane Harris commented, "This is an unqualified victory. The American Civil Liberties Union had agreed to represent us in a civil liberties lawsuit. On the day of the city council meeting former Jersey City mayor Gerald McCann reported to prison to serve a sentence for corruption, so the city was not in a strong position to fight this. My campaign supporters plan to take full advantage of this opportunity to reach working people in Jersey City with the socialist alternative in the remaining weeks of the campaign."

Peoria cops arrest socialist candidate

BY MARGARET JAYKO

PEORIA, Illinois — Kate Kaku, a member of the United Steelworkers of America and the Socialist Workers Party candidate for U.S. Senate in Illinois, is demanding that trumped-up charges of criminal trespass and obstructing police, against her and a campaign supporter, be dropped immediately.

Kaku and campaign supporter Mary Zins, a laid-off coal miner and member of the United Food and Commercial Workers union in St. Louis, Missouri, were arrested at the March 22 national rally here in solidarity with United Auto Workers (UAW) union members on strike against Caterpillar, Inc. Both were released shortly after posting \$100 bail each. A hearing is set for April 20. The misdemeanor charges carry penalties of up to 13 months in prison and \$1,500 in fines.

The rally was held in Peoria's Civic Center Arena and attracted some 15,000-20,000 strikers and their supporters in the UAW, other unions, and people from the community. Top UAW officials from Detroit organized and ran the rally.

"I and Socialist Workers campaign supporters around the country arrived at the site early in order to distribute our campaign newspaper, the *Militant*; other campaign literature; and a flyer for a socialist campaign open house later in the day," explained Kaku in an interview after being released from jail. Kaku was identified on the leaflet as the featured speaker at the open house.

Many campaign supporters are members of the auto workers and other industrial unions, added Zins, and they came to the rally with their coworkers, many of whom bought copies of the *Militant* on the way to the event.

Initially, Kaku recalled, campaign supporters were able to freely circulate socialist literature inside and outside the arena. Rally marshals, most of whom were Caterpillar workers, were among those most interested in buying the paper that has been supporting their strike since it began in November, said Kaku.

Around 10:45 a.m., the cop who later arrested Kaku and Zins demanded that a campaign literature table be moved off civic center property and across the street. The UAW had rented the arena, he said, and didn't

want socialists distributing literature there.

"So we moved the table across the street, and continued to distribute literature on public property," Kaku continued.

After campaigning outside for a while, Kaku and Zins went into the civic center to hear the rally. A UAW member from Cincinnati introduced Kaku to a coworker who wanted to discuss jailed unionist Mark Curtis's fight for justice. Curtis is Kaku's husband.

"This worker also expressed his disagreement with the policy of not allowing campaign material to be distributed in the arena," said Kaku. Despite the fact that the rally was a public event, open to all who supported the strike, some marshals began asking for proof of union membership, and arbitrarily excluding some unionists and students.

A socialist campaign supporter from Des Moines, Iowa, was asked by a cop who was with a group of marshals, "Are you with that Oriental woman running for Senate?" After grabbing a *Militant* newspaper out of his bag the marshals and police marched him out of the arena. Some marshals made clear that this exclusionary policy was imposed on them by the top UAW officials; it was not a decision made by the striking Peoria local. The "order came from Detroit," was how one put it, referring to the site of the union's national headquarters.

While Kaku was discussing her husband's

Continued

Peoria cops arrest socialist candidate

Continued

fight for parole, the same cop who had demanded that the campaign table be removed reappeared and asked Kaku and Zins to step outside. "He claimed he already told us we could not be on arena property," the candidate explained. "We reminded him all he had asked was for us to move the campaign table, which we did. We weren't distributing literature inside the arena, and we were attending the rally like other supporters of the strike."

At that point, recalled Zins, the police officer claimed the UAW officials didn't want "disrupters" at their rally, and had asked him to especially kick out Kaku and Zins. "We asked him who in the UAW had said this," Zins continued. But he refused to discuss the matter further and threatened them with arrest unless they left immediately. Both complied.

Some UAW members from St. Louis then went inside to talk to union officials about reversing this undemocratic move. A UAW

marshal agreed to escort Kaku and Zins into the rally. Both went in and assumed the matter was settled.

"A little while later, as we were walking out of the restroom, the same cop came back and told us we were under arrest," said Kaku. "We told him UAW marshals had let us in, but he demanded we go outside. We asked to be able to talk to the marshals who let us in. The cop retorted we could call them to bail us out of jail."

The two women were then searched, handcuffed, and put in a police car. They were never read their Miranda rights. Then the cop pulled a *Militant* out of each of their purses saying, "This is Exhibit A."

"Since being in the rally was not a crime, he obviously decided to lie and claim we were distributing literature inside," said Kaku.

"The charges against us should be dropped immediately," emphasized Kaku. "They are a violation of my right to free speech and they are an attack on our right to campaign for the socialist alternative in the 1992 elections and for working people to discuss politics." In addition, she said, "Such harassment and threats are a blow to the Caterpillar strike. They make it harder for these fellow fighters to win the solidarity they need — and have earned — in the face of a concerted company attack on their wages and conditions."

Margaret Jayko is a member of UAW Local 2244 in Fremont, California, and works on the truck assembly line at New United Motors Manufacturing, Inc.



Militant/Dennis Chambers

Cop at Caterpillar rally tells socialist activists to remove literature table. Mary Zins (with glasses) and socialist candidate Kate Kaku were later arrested.

Charges dropped against unionists

BY ERNIE MAILHOT

PEORIA, Illinois — In a victory for democratic and union rights, charges of criminal trespass and obstructing an officer that had been filed against two unionists were dropped here April 20.

"This is a victory for all people fighting for their rights, especially workers at Caterpillar who waged a five-month strike to defend their union," said Kate Kaku, Socialist Workers candidate for U.S. Senate in Illinois and a member of the United Steelworkers of America. Along with Mary Zins, a long-time activist in the United Mine Workers of America who is currently on layoff, Kaku was arrested by police at a March 22 rally here in support of striking Caterpillar workers.

Supporters of Zins and Kaku attended the court hearing and a press conference outside the courthouse after the charges were dropped. "From Peoria to Buffalo, New York," Kaku told the press, "young people, working people, working farmers, and others are resisting the assaults by the employers, their government, and the ultrarightist forces their system engenders.

"As in our case, the cops and employers attempt to close down the political space working people have to discuss how to fight back. The rulers seek to intimidate those who want to join in struggles and strikes across the country," Kaku said. "That is why Mary and myself were arrested and that is

Charges dropped against unionists

why we won such quick backing for the demand that the charges be dropped."

Zins and Kaku were part of the large crowd that came to the March 22 rally as the strike against Caterpillar was heating up. Both had spent part of the day distributing campaign literature, selling the *Militant*, and talking with striking workers before going into the rally.

They were soon approached by a cop, taken out of the civic center where the rally was being held, handcuffed, put into a police car, searched, jailed, and charged.

Recognizing the stakes in the fight, and the fact that their arrests were meant as a message from the cops and government to United Auto Workers (UAW) members and others who supported the strike, Zins and Kaku organized a defense committee and garnered support among working people, students, and political activists in the area. Funds were raised to hire Peoria attorney

Clayton Moushon.

At the hearing the state attorney's office gave no reason for not pressing ahead with the charges. This is despite the fact the cops earlier told the local press the two had been arrested at the request of the UAW, who, the cops claimed, didn't want "militant literature" being passed around. It is clear that both the inability to back up this claim and the extent of the calls for dropping the charges led to the victory.

"Quite a few miners were outraged at our arrests," Zins said. "They were determined not to let it happen. The police thought they could get away with dealing a blow to workers' and young people's ability to organize ourselves. They found out differently."

Zins and Kaku thanked their supporters. "Without your support we wouldn't be here victorious," said Zins. "We will continue to build support for the fight now ahead of workers at Caterpillar, as they face ongoing attempts by the company to weaken their union. We will continue to campaign here and encourage others to do the same."

A reception will be held in St. Louis April 25 to celebrate the victory and raise funds to cover the legal and publicity fees involved in the defense case. The event will begin at 6:00 p.m. and will take place at the Pathfinder Bookstore located at 1622 S. Broadway. Donations to the Committee to Defend Kaku and Zins can be sent to: P.O. Box 314, Madison, IL 62060.